

Greeley City Council Agenda

Special Meeting

Monday, December 30, 2024 at 6:00 PM

City Council Chambers at City Center South, 1001 11th Avenue, Greeley, CO 80631

via Zoom at: <https://greeleygov.zoom.us/j/87239162946>

NOTICE:

City Council Meetings are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in-person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

Members of the public are also invited to choose how to participate in Council meetings in the manner that works best for them.

Watch Meetings:

Meetings are open to the public and can be attended in person by anyone.

Meetings are televised live on GTV8 on cable television.

Meetings are livestreamed on the City's website, Greeleygov.com as [Youtube.com/CityofGreeley](https://www.youtube.com/CityofGreeley)

Comment in Real Time:

During the public hearings:

In person attendees can address the Council in the Chambers.

The public can join the Zoom Webinar and comment from the remote meeting.

Submit Written Comments:

Email comments about any item on the agenda before Noon on the day of the meeting to cityclerk@greeleygov.com.

Written comments can be mailed or dropped off at the City Clerk's office at City Hall, at 1000 10th Street Greeley, CO 80631

Meeting agendas, minutes, and archived videos are available on the City's meeting portal at <https://greeleyco.portal.civicclerk.com/> For more information about this meeting or to request reasonable accommodations, contact the City Clerk's Office at 970-350-9740 or by email at cityclerk@greeleygov.com If you need the following documents in an alternative format for accessibility purposes, please contact the City Clerk's Office at cityclerks@greeleygov.com or 970-350-9740.



Mayor

John Gates

Councilmembers

Tommy Butler - Ward I

Deb DeBoutez - Ward II

Johnny Olson - Ward III

Dale Hall - Ward IV

Brett Payton - At-Large

Melissa McDonald - At-Large



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1. Call to Order
2. Pledge of Allegiance
3. Roll Call

Regular Agenda

4. Public hearing and second reading of an ordinance amending Title 24 of the Greeley Municipal Code relating to regulation of Natural Medicine Businesses
5. Motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances
6. Adjournment



Council Agenda Summary

Item: 4.

December 30, 2024

Key Staff Contact: Rachel Flynn, Deputy City Manager Intentional Growth & Strategic Infrastructure

Title:

Public hearing and second reading of an ordinance amending Title 24 of the Greeley Municipal Code relating to regulation of Natural Medicine Businesses

Summary:

The State of Colorado is scheduled to begin issuing licenses for Natural Medicine Businesses beginning on January 1, 2025. Localities may not prohibit Natural Medicine Businesses, but may adopt time, place, and manner restrictions. The staff is proposing this ordinance to the Development Code to provide standards for Natural Medicine Businesses wishing to open within the City of Greeley.

Fiscal Impact:

1. Does this item create a fiscal impact on the City of Greeley? No

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

1. City staff presentation (if requested)
2. Council questions of staff
3. Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
4. Council discussion
5. Council decision

Other issues and Considerations:

Strategic Focus Area:

Community Vitality

Decision Options:

1. Adopt the ordinance as presented; or
2. Amend the ordinance and adopt as amended; or
3. Deny the ordinance; or
4. Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

1. Ordinance No. 48, 2024 with Appendix A

2. Item - Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 48, 2024

**AN ORDINANCE AMENDING TITLE 24 OF THE GREELEY MUNICIPAL
CODE RELATING TO REGULATION OF NATURAL MEDICINE BUSINESSES**

WHEREAS, the City of Greeley, Colorado is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the City’s Home Rule Charter; and

WHEREAS, the People of the State of Colorado approved the citizens’ initiative known as “Proposition 122: Access to Natural Psychedelic Substances,” which was codified in the Colorado Revised Statute Sections 12-170-101 through 115 (the “Enabling Act”); and

WHEREAS, the Enabling Act decriminalizes the personal possession, growing, sharing, and use, but not the sale, of five natural medicines, including psychedelic mushrooms (psilocybin and psilocin) and three plant-based psychedelic substances (dimethyltryptamine, ibogaine, and mescaline); and

WHEREAS, the Enabling Act allows the supervised use of psychedelic mushrooms by individuals aged 21 and over at licensed facilities and requires the state to create a regulatory structure for the operation of those licensed facilities; and

WHEREAS, the Enabling Act allows the state to expand the type of substances that may be used in licensed facilities to include plant-based psychedelic substances (dimethyltryptamine, ibogaine, and mescaline), beginning in 2026; and

WHEREAS, the State Legislature enacted Senate Bill 23-290, which is codified in Colorado Revised Statutes Sections 44-50-101 through 904 (the “Regulatory Act”), to create the regulatory structure for the operation of licensed facilities, which includes the licensing and registration of facilities and related businesses that provide for the use, cultivation, manufacture and testing of these substances; and

WHEREAS, the Enabling Act and Regulatory Act prohibit local governments from banning licensed facilities, services, and use of natural psychedelic substances permitted by the Enabling Act, while allowing local governments to regulate the time, place and manner of operation of such facilities; and

WHEREAS, the Regulatory Act provides that the state licensing authority will not act upon an application for issuance of a natural medicine business license for a location in an area where the cultivation, manufacturing, testing, storage, distribution, transfer, and dispensation of natural medicine or natural medicine product as contemplated is not permitted under the applicable zoning laws of the local jurisdiction; and

WHEREAS, the Regulatory Act further provides that the state licensing authority will not receive or act upon an application for the issuance of a Natural Medicine Business License if the building where natural medicine services are provided is within one thousand feet of a child care center, preschool, elementary, middle, junior, or high school; or a residential child care facility; and

WHEREAS, the Regulatory Act further provides that the governing body of a municipality by ordinance may vary the distance restrictions imposed for a License or may eliminate one or more types of schools or facilities from the application of a distance restriction; and

WHEREAS, the Greeley City Council desires to enact this ordinance to regulate the time, place and manner of the operation of licenses issued pursuant to the Regulatory Act; to establish the appropriate zone districts for the operation of licenses issued pursuant to the Regulatory Act; and to establish distance restrictions for buildings where natural medicine services are provided within the vicinity of a child care center; preschool, elementary, middle, junior or high school; a residential child care facility; or residential dwellings pursuant to the Regulatory Act; and

WHEREAS, the City Council finds it necessary for the preservation and protection of the public health, property, and safety of the citizens of Greeley to update the City Code regarding zoning and regulation of natural medicine facilities prior to January 1, 2025 state imposed regulations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The Zoning Districts and Uses Table 24-4-2 in Section 24-402 of the Greeley Municipal Code is amended by the addition of the following entries, which entries shall read as follows:

Table 24-4-2: Zoning Districts and Uses															
P = Permitted Use				S = Use by special review				Blank = prohibited							
Districts	R-E	R-L	R-M	R-H	R-MH	C-L	C-H	MU-L	MU-H	I-L	I-M	I-H	H-A	C-D	
Use															
Industrial Uses															
Natural Medicine Businesses											P	P			

Section 2. Section 24-402(b)(4) of the Greeley Municipal Code shall be amended to add the following to the Industrial use category, which reads as follows:

Natural Medicine Businesses. A natural medicine business as defined in section 24-1301 approved by the State licensing authority.

Section 3. Section 24-404 of the Greeley Municipal Code is amended by adding subsection 1., which reads as follows:

1. Natural medicine businesses. All natural medicine businesses shall comply with the following:

1. Natural medicine businesses are only allowed in the zoning districts identified in Table 24-4-2. Natural medicine businesses are only allowed in Planned Unit Developments if explicitly allowed by the approved Planned Unit Development documents. The applicant must obtain an approved Site Plan Review in zoning districts where natural medicine businesses are permitted in

Table 24-4-2. The applicant must obtain an approved Use by Special Review in zoning districts where natural medicine businesses are identified for special review in Table 24-4-2.

2. No business license, sign permit, or temporary sign permit shall be issued for natural medicine businesses until all site improvements identified on the approved Site Plan or Use by Special Review are completed and a Certificate of Occupancy is obtained for a natural medicine business.

3. Neither a zoning verification letter for a natural medicine business nor documentation demonstrating that the site is permitted for the cultivation, manufacturing, testing, storage, distribution, transfer, or dispensation of regulated natural medicine and regulated natural medicine product shall be issued until all site improvements identified on the approved Site Plan or Use by Special Review are completed and a Certificate of Occupancy is obtained for a natural medicine business.

4. Setbacks are required for natural medicine businesses. Natural medicine businesses cannot be established on lots or parcels that are located within 1,000 feet of lots or parcels containing any dwelling units, established residential uses, boarding houses, single room occupancies, residential care uses, libraries, museums, parks, schools, universities, colleges, tutoring centers, child care centers, pre-schools, child care homes, neighborhood common areas, animal care uses, sports fields, playgrounds, swimming pools, arenas, gymnasiums, athletic facilities, recreational trails, public natural areas, or zoning districts that allow single-family dwellings or mobile/manufactured home parks as a permitted use or use by special review. Such required setbacks shall be measured in a straight line at the nearest point between the lots or parcels. Existing natural medicine businesses may continue operating in locations approved prior to other uses or zoning encroaching into the required setback unless the natural medicine business ceases operating for twelve (12) consecutive months.

5. Spacing is required between sites with natural medicine businesses. No natural medicine business can be established on lots or parcels that are located within one thousand (1,000) feet of lots or parcels containing other natural medicine businesses. However, natural medicine businesses may co-locate on one shared lot or parcel. Natural medicine businesses are not allowed to share a lot, parcel, or common/party wall with a different principal use. Natural medicine businesses may only co-locate with other natural medicine businesses. Existing natural medicine businesses may continue operating in locations approved prior to other businesses encroaching into the required spacing unless the natural medicine business ceases operating for twelve (12) consecutive months.

6. Natural medicine businesses may only operate between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.

7. Natural medicine businesses shall only operate inside the principal building. Natural medicine businesses may only store items, equipment, and refuse within the principal building. No operations or storage is permitted outside or within a trailer, tent, accessory structure, or vehicle. Operations include the facilitation of a natural medicine session to participants or the cultivation, manufacture, testing, storage, distribution, transport, or dispensing of natural medicine and natural medicine products.

8. Natural medicine businesses shall install, use, and maintain an air filtration and ventilation system designed to ensure that odors, spores, and byproducts from dispensing natural medicine and natural medicine products are confined to indoor areas of the premises. Natural medicine businesses shall not produce any odors that are detectable off-site.

9. Natural medicine businesses shall meet the requirements of all development, building, property maintenance, fire, life, health, and safety codes, standards, and criteria adopted by the City.

10. The processing of natural medicine that includes the use of hazardous materials, including without limitation flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.

11. Natural medicine businesses shall meet the requirements of all water, sewer, stormwater quality, and stormwater detention codes, standards, and criteria adopted by the City.

12. Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facilities' exterior refuse container.

13. No liquids or substances associated with natural medicine or natural medicine products may be spilled onto the ground or other exterior surfaces. Such liquids or substances may not be discharged into any stormwater system.

14. All entrances to a natural medicine business shall be kept locked and be equipped with a video doorbell with remote unlocking capabilities. The door shall only be unlocked after verifying that all people entering the business are at least 21 years of age.

15. Natural medicine businesses may only operate after receiving all permits and licenses required by the State of Colorado and the City of Greeley.

16. The Community Development Director may immediately suspend or revoke Site Plan Review or Use by Special Review approval for a natural medicine business failing to abide by the standards of this section or failing to maintain the property in accordance with the approved Site Plan Review or Use by Special Review plan set.

17. Notes requiring compliance with applicable paragraphs of this section must be placed as conditions of approval on Site Plan Review and Use by Special Review plan set for any approved natural medicine business.

18. In circumstances when multiple regulations or multiple jurisdictions have competing regulations, natural medicine businesses must follow the more restrictive regulation.

Section 4. Section 24-1301 of the Greeley Municipal Code shall be amended by the addition of the following definitions, which reads as follows:

Natural medicine. Raw forms, sources, and products containing psilocybin or psilocyn or other substances described in “natural medicine” in the Natural Medicine Health Act, as codified in C.R.S. title 12, article 170 and the Colorado Natural Medicine Code, as codified in C.R.S. title 44, article 50.

Natural medicine business. A business involved in the facilitation of a natural medicine session to participants or the cultivation, manufacture, testing, storage, distribution, transport, or dispensing of natural medicine or natural medicine products. A natural medicine business includes a natural medicine healing center, natural medicine cultivation facility, natural medicine products manufacturer, natural medicine testing facility, and other state-licensed natural medicine entity.

Natural medicine healing center. A facility where an entity is licensed by the state licensing authority that permits a facilitator as defined by the State, to provide and supervise natural medicine services for a participant as defined by the State, which includes a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine products under the supervision of a facilitator.

Natural medicine State licensing authority. The authority created under the State for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storing, distribution, transfer, and dispensation of regulated natural medicine and regulated natural medicine products, as provided by the State.

Section 5. That the existing sections of the Greeley Municipal Code to be amended in this Ordinance are attached hereto in Appendix A.

Section 6. This Ordinance shall become effective on December 31, 2024, as provided in Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____, 20__.

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A
EXISTING SECTIONS 24-402, 24-404, 24-1301 OF TITLE 24 OF THE
GREELEY MUNICIPAL CODE

Sec. 24-402. Allowed uses.

- a. *Use table.* Table 24-4-2 establishes permitted uses for each zoning districts. These uses and development standards are established to implement the intent of these district, permit a compatible range of uses within each district, and facilitate complimentary transitions between districts.
1. The table identifies uses as:
 - (a) Permitted uses (P) subject to staff review and/or site plan approval to confirm compliance with general district and building standards applicable throughout this code.
 - (b) Use by special review (S) subject to the review process and criteria in section 24-206.
 - (c) Uses not permitted in the district (blank).
 - (d) Uses not specifically listed in the table shall be presumed to be prohibited, except if the director determines that a use is similar to and has similar impacts as a use listed in the table, then the director may make a written determination as to the category and review required for the use.
 2. Other accessory or temporary uses may be permitted according to the standards of section 24-403.
 3. Uses listed in the table, or more specific types of uses generally enabled in the table, may be subject to specific standards or limits in section 24-404.
 4. Uses in the table are more specifically described in section 24-402.b.
 5. Uses distinguished by scale are based on gross leasable area (GLA) of the uses space within buildings, size of the lot (acre), or other specified building or site features.

Table 24-4-2: Zoning Districts and Uses														
P = Permitted Use S = Use by special review Blank = prohibited														
Districts	R-E	R-L	R-M	R-H	R- H	C-L	C-H	MU- L	MU- H	I-L	I-M	I-H	H-A	C-D
Use														
Residential Uses														
Affordable Housing	See Section 24-404.k													
Single-family dwelling	P	P	P	P		S	S	P	P				P	
Two-family dwellings			P	P		S	S	P	P					
Row house dwellings			P	P		S	S	P	P					
Multifamily dwellings			P	P		S	S	P	P					
Mixed-use dwelling				S		P	P	P	P					
Established residential (all types)						P	P			P	P	P	P	
Accessory dwelling unit (see section 24-403.b)			P	P		P	P	P	P					
Mobile/manufactured home & parks					P									
Boarding house & single room occupancies				P		S	S	S	S					
Farming	P	P	P	P		P	P			P	P	P	P	P
Residential care — Group home	P	P	P	P		P	P	P	P					

Residential care — Assisted living			S	S		P	P	P	P	P				
Residential care — General				S		S	P	S	P	P				
Residential care — Institutional				S		S	P	S	P	P				
Public & Civic Uses														
Assembly — Limited (up to 499 occupancy)	P	P	P	P	P	P	P	P	P	P	P	P		
Assembly — General (500—1,500 occupancy)		S	S	S	S	S	P	S	P	P	P	P		
Assembly — Large (1,501+ occupancy; or outside)							P		P	P	P			
Cemeteries, columbarium							P	P	P	P	P	P		
Golf course & country clubs (no lights)	P	P	P	P	P	P	P	P	P	P				
Libraries, museums, public or quasi-public	S	S	S	S		P	P	P	P	P	P			
Police, fire stations, ambulance dispatch & storage	S	S	S	S		P	P	P	P	P	P			
Parks, open spaces & common areas	See sections 24-302 and 24-504 for standards applicable to all districts.													
Schools	P	P	P	P	P	P	P	P	P	P				
Schools — Adult (business, trade)						S	P	S	P	P	P	P		
Schools — Universities/colleges	P	P	P	P	P	P	P	P	P	P				
Transportation — Bus, taxi, or transit station							S		S	P	P	P		
Transportation — Freight & maintenance yard											P	P		
Transportation — Airport, heliport/helipad											S	S		
Transportation — Public parking	S	S	S	S	S	S	P	S	S	P	P	P		
Transportation — Towing services							S			P	P	P		
Utilities — Limited (towers under heights permitted by zoned and accessory structures and cabinets)	P	P	P	P	P	P	P	P	P	P	P	P		
Utilities — General (towers over heights permitted by zone or large structures and cabinets)	S	S	S	S	S	S	S	S	S	S	S	S		
Utilities — Lines over 33 KVA, overhead	S	S	S	S	S	S	S	S	S	S	S	S	S	S

Utilities — Co-generation or power plants											P	P		
Commercial Uses														
Adult businesses (<i>see also section 24-1103</i>)										P	P	P		
Animal care — Limited (indoor, < 5K GLA, no boarding)						P	P	P	P	P	P			
Animal care — General (indoor, 5K—20K GLA or boarding)						S	P	S	P	P	P			
Animal care — Large (outdoor or > 20K GLA)										P	P			
Animal care — Stables (> 5 boarded animals)										S	S		S	
Auction houses (excludes livestock)										P	P	P		
Automobile — Gas station limited (up to 8 pumps)						S	P	S	P	P	P	P		
Automobile — Gas station general (9—20 pumps)							P		S	P	P	P		
Automobile — Gas station large (21+ pumps)							S			P	P	P		
Automobile — Repair/service limited (up to 3 service bays; < 0.5 acre)						S	P	S	P	P	P			
Automobile — Repair/service general (4—6 service bays; 0.5—1.0 acre)							P		P	P	P			
Automobile — Repair/service large (7+ service bays; > 1 acre)							S			P	P			
Automobile — Repair/service for heavy vehicle and equipment											P	P		
Automobile — Sales/rental limited (< 0.5 acre)						S	P			P	P			
Automobile — Sales/rental general (0.5—1.0 acre)							P			P	P			
Automobile — Sales/rental large (> 1.0 acre)							S			P	P	P		
Child care home (accessory/home occupation — See section 24-403.c)	P	P	P	P	P	P	P	P	P	P	P	P		

Child care center/pre-school	S	S	S	P		P	P	P	P	S	S	S		
Drive-through services — Accessory							See section 24-403.e							
Entertainment/event establishments							P		P	P	P			
Food & beverage — Bar limited (< 3K GLA; < 100 seats)							P	P	P	P	P			
Food & beverage — Brewery/winery; bar general							P		P	P	P			
Food & beverage — Restaurant limited (< 5K GLA; < 100 seats)						P	P	P	P	P	P			
Food & beverage — Restaurant quick serve							P	S	S	P	P			
Food & beverage — Restaurant general (5K+ GLA)							P		P	P	P			
Home occupation — Accessory	See section 24-403.c													
Lodging — Short-term rental	P	P	P	P	P	P	P	P	P	P			P	
Lodging — Bed & breakfast (up to 5 rooms)				S		P	P	P	P	P				
Lodging — Inn (6 to 40 rooms)							P	S	P	P				
Lodging — Hotel/motel small (41+ rooms)							P		S	P				
Medical — Limited (< 5K GLA; no emergency service)						P	P	P	P	P				
Medical — General (5K—20K GLA; no emergency service)						S	P	S	P	P				
Medical — Large (> 20K GLA; or emergency service)							P		P					
Medical — Hospitals						S	P		P	P				
Mortuaries and funeral homes						P	P	P	P	P	P			
Office — General (< 20K GLA)						P	P	P	P	P	P	P		
Office — Large (20K+ GLA)							P	S	P	P	P			
Pawn shops							P			P	P			
Personal service — Limited (< 5K GLA, < 1.0 acre)						P	P	P	P	P	P			

Personal service — General (5K+ GLA; 1.0+ acre)							P		P	P	P			
Recreation — Indoor limited (< 5K GLA; < 0.5 acre)						P	P	P	P	P	P			
Recreation — Indoor general (5K—20K GLA; 0.5—1.0 acre)							P	S	P	P	P			
Recreation — Indoor large (> 20K GLA; > 1.0 acre)							P		S	P	P			
Recreation — Outdoor limited (no lights; < 0.5 acre)						P	P	P	P	P	P			
Recreation — Outdoor general (no lights; 0.5— 1.0 acre)							P			P	P			
Recreation — Outdoor large (lights or > 1.0 acre)							S			S	S	S		
Recreation — RV and travel trailer park							S			S	S			
Recreation — Outdoor racetrack											S	S		
Retail — Limited (< 3K GLA)						P	P	P	P	P	P			
Retail — General (3K— 20K GLA)							P	S	P	S	S			
Retail — Large (20K— 100K GLA)							P		S	S	S			
Retail — Warehouse (> 100K GLA)							S		S	S	S			
Retail — Outdoor limited (> 25%; > 0.5 acre)							P	S	P	P				
Retail — Outdoor general (25%—50%; 0.5—1.0 acre)							P		S	P				
Retail — Outdoor large (> 50%; > 1.0 acre)							S			P	P			
Retail — Outdoor nurseries and greenhouse							P		P	P	P			
Retail — Outdoor flea market or swap shop											P	P		
Industrial Uses														
Auto dismantling, junk & salvage yards												S		
Commercial services — Limited (up to 9 vehicle fleet)							P			P	P	P		

Commercial services — General (11—20 vehicle fleet)							S			P	P	P		
Commercial services — Large (21+ vehicle fleet)										S	P	P		
Concrete and asphalt batch plants											P	P		
Crematoriums										P	P	P		
Foundries												S		
Gravel & mineral extraction, batch plants														S
Grain & feed elevators & supply												S		
Livestock auctions												S		
Manufacturing — Limited/artisan (< 5K GLA)						S	P	P	P	P	P	P		
Manufacturing — General (5K—100K GLA)										P	P	P		
Manufacturing — Large (> 100K GLA)											P	P		
Manufacturing — Food & beverage minor (up to 3 acres)							P		P	P	P	P		
Manufacturing — Food & beverage major (3+ acres)											S	S		
Manufacturing — Chemical plant											S	S		
Manufacturing — Rendering, slaughter & packaging												S		
Oil & gas operations	See section 24-1102 for standards and procedures applicable in all districts													
Private smoking club							S		S	S	S	S		
Research & testing labs							P		P	P	P	P		
Warehousing/storage — Indoor limited (< 50K GLA; < 1.0 acre)							P		S	P	P	P		
Warehousing/storage — Indoor general (50K—200K GLA; 1.0—5.0 acre)							P			P	P	P		
Warehousing/storage — Indoor large (> 200K GLA; > 5.0 acres)							S			S	P	P		
Warehouse/storage — Distribution center										S	P	P		
Warehouse/storage — Outdoor limited (< 1.0 acre)							S			S	P	P		

Warehouse/storage — Outdoor general (1.0 + acre)										S	P	P		
Warehouse/storage — Bulk storage of flammable liquids and gases											P	P		
Waste management — Recycling collection small						S	P	S	P	P	P	P		
Waste management — Recycling processing & collection							P			P	P	P		
Waste management — Refuse & transfer station											S	S		
Water & waste water treatment plants											P	P		
Well drilling companies											P	P		
Wireless communication facilities	See section 24-1101 for standards and procedures applicable in all districts													

- b. *Description of uses.* This section provides descriptions of uses of land and buildings associated with table 24-4-2. It is organized by categories and types of uses. Where a proposed use is not generally listed or appears to meet the description of more than one use type, the director shall make an interpretation on the most equivalent described use considering:

- (1) The similarity of the use in terms of scale, impact, and operations to other described uses;
- (2) The typical building format and site design associated with the use based on relevant and established examples; and
- (3) The compatibility of the use with other allowed uses in the zoning district, and the potential for the use to contribute to the intent of the zoning district.

Any uses that may not be interpreted as equivalent to a use in table 24-4-2 is not anticipated by these regulations and may only be allowed by a text amendment.

1. *Residential dwelling.* The residential dwelling category is the principal use of land and buildings for dwelling units. A dwelling unit is one or more connected rooms, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease as a single unit on a monthly basis or longer, physically separated from any other room or dwelling units which may be in the same structure and served by no more than one gas meter and one electric meter. The arrangement and extent of dwelling units depends on the zoning district uses and building types:

Dwelling, single-family. A residential building designed and used as a single detached dwelling unit by one family, other than a mobile home. Typical building types are detached houses, with variants based on lot sizes. The term single-family residence shall include a manufactured home which:

- (a) Is partially or entirely manufactured in a factory;
- (b) Is installed on an engineered permanent foundation; and
- (c) Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq., as amended, and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by federal law, or which has been certified by the State of Colorado as being in compliance with the requirements of the Uniform Building code, as adopted by the State of Colorado and as is enforced and administered by the Colorado Division of Housing.

Dwelling, two-family. Residential building designed to accommodate two primary dwelling units in a building designed and scaled to be compatible with detached houses, and which may commonly be referred to as a duplex or multi-unit house (with two units). Two-family buildings that share a single common wall may be on a single lot, or may be platted as separate lots along the common wall line subject to the building code and platting restrictions. All other two-family dwellings shall be on a single lot. Duplex/multi-unit houses shall have a scale, design, orientation, access, and entrance features that maintains the appearance and form similar to a detached house.

Dwelling, row house. A multi-unit residential building designed for three to eight dwelling units each sharing a common wall with the abutting units. Each unit has its own private entry presenting an outward appearance on the frontage as distinct units in a single building. Units may be on a single lot subject to common ownership restrictions or platted on separate lots along the common wall subject to building code and platting restrictions.

Dwelling, multifamily. A residential building that contains three or more dwelling units, or group of similar buildings in a complex. Typical building and lot types include multi-unit houses (provided they maintain the scale, design, orientation, access and entrance features similar to a detached house), small apartments, medium apartments, large apartments, apartment complexes, and mixed-use buildings with residential uses.

Dwelling, mixed-use (apartment over commercial/service). A residential use in a building designed for street level retail, service or employment uses, and where dwelling units are accommodated on upper stories, or otherwise separated from the principal commercial function of the building.

Dwelling, established residential (all types). Any residential building and use, legally established at when it originated but where new development of the same use or similar building type is no longer permitted in the zoning district. These uses shall be permitted so that continued use and further investment in the building and use is not discouraged.

Dwelling, accessory unit. A dwelling unit that is secondary and accessory to a principal dwelling unit and on the same lot. Accessory dwelling units may be in the same building as the principal dwelling unit (basement or attic apartments) or in a detached accessory structure (garage apartment or "granny flat".)

Mobile/manufactured home park. A parcel of land planned and designed for multiple home sites for the placement of manufactured, mobile or other small homes, and used for the principal dwelling of households for long-term residency. These communities include internal common areas, circulation systems and accessory uses and facilities to support the community. Dwellings may either be located on home sites designated within a larger project or on single lots owned through appropriate condominium procedures or platted under certain conditions.

Boarding house and single room occupancy. A residential building is used to accommodate boarders or roomers as the primary residential dwelling, and whose occupants shall have common access to facilities such as kitchen, bathroom, dining areas, or community areas. Boarding and single-room occupancy houses shall be rented or leased on a monthly basis or longer, and not include hotels, motels and lodges.

Farming. The production of crops such as vegetables, fruit trees or grain; the growing of trees and shrubs for landscape purposes; and the raising of farm animals such as poultry or swine, as limited by the standards for accessory keeping of livestock. Farming shall not include the commercial raising of animals, commercial production of milk, commercial pen feeding (feed lots) or the commercial feeding of garbage or offal to swine or other animals.

Residential care — Group home. A residential building operated as a single primary dwelling which provides residency, supervision, and other services for up to eight persons who are in need of special care due to being developmentally disabled, mentally ill, 60 years of age or older, or due to physical condition, illness, or social or behavioral problems. Group homes require up to two residential caregivers, and shall be licensed by, operated by, or owned by a governmental agency or nonprofit qualified to provide care and supervision. Group homes shall not include alcoholism or drug treatment centers, work release facilities or other housing facilities serving as an alternative to incarceration and shall not house more than one individual per dwelling who is required to register as a sex offender under the provisions of C.R.S. § 18-3-412.5.

Residential care — Assisted living. A residential building or planned community operated as the primary residence for persons who do not have an illness, injury or condition that requires 24-hour care or supervisions, but who need social, physical, and therapeutic and recreation support for daily living. Support services are accessory to the residential use and character of the buildings and area, and do not require 24-hour staffing, other than security. Typical examples include assisted living, group homes larger than eight individuals, and retirement communities.

Residential care — General. A residential or institutional building, or group of buildings, designed to provide a primary or interim residence and health care for persons who require care on a full-time basis. Medical support, rehabilitative services, and counseling is provided by professional, nursing and medical staff on site. Accessory support uses include meals, therapeutic services, transportation and recreation. Typical examples include nursing homes, long-term care facility, continuing care facility, congregate care communities, or hospices.

Residential care — Institutional. A residential or institutional building operated by a government, nonprofit, charitable or religious organization providing temporary housing, food, counseling and other support services to persons at risk, on an interim basis and with transitional, protective, or rehabilitative goals. Security and supervisory services are required on site. Typical examples include emergency shelters, missions, rehabilitation residence, halfway houses.

2. *Public/civic.* The public/civic use category is the use of land and buildings to serve public or community interest by enhancing the daily cultural, social, or recreation needs for residents and neighborhoods. It can include uses generally available to the public at large, community uses structured by voluntary affiliation, or private uses limited by property ownership or membership. It includes the following types:

Assembly. A civic use designed to serve the community for regular or periodic events, including worship, social, cultural, recreation, and accessory uses associated with organized civic or institutional activities.

Assembly — Limited (up to 499 occupancy). A place of assembly designed and located to serve nearby neighborhoods, typically designed for up to 499 people. Examples include small neighborhood association clubhouse, meeting hall, or small religious facility.

Assembly — General (500—1,500 occupancy). A place of assembly designed and located to serve the broad community at large, typically designed for 500—1,500 people. Examples include a community/recreation center, small event hall, or large religious facility.

Assembly — Large (1,501+ occupancy, or outside). A place of assembly designed and located to serve as a destination for the city or region, typically designed for more than 1,500 people, or where any facility is designed for outside assembly. Examples include an auditorium, large event hall, major worship hall, convention and conference center, or any assembly use with a small outside amphitheater.

Cemeteries and columbarium. A public or civic use where land or buildings are used for the burial of the deceased and dedicated for interment purposes, including gravesites or buildings used for the interment of ashes of cremated dead.

Golf courses and country clubs (no lights). A public or civic use and designed and dedicated for playing the game of golf, run by a public agency or a private club operated on a membership basis. This includes accessory facilities and structures related to playing golf, but shall not include any lights, activities, or associated events not compatible with outdoor recreation in a residential setting. (See Recreation — Outdoor for commercial recreation activities).

Libraries, museums, public or quasi-public. A public or civic use which provides resources and exhibits to support education, culture, and information exchange open to the public at large.

Police, fire stations, ambulance dispatch and storage. A public use that supports the community at large by through public health and safety, protective or related services. Examples include police and fire stations, dispatch, and related facilities, or similar government and quasi-government buildings and grounds.

Parks, open spaces and common areas. Any parcel or area of land or water permanently reserved for public and/or private use and enjoyment, which is generally open, undeveloped, and characterized by natural features and landscape enhancements, except for facilities to serve the social, recreational, aesthetic, or environmental function of the space. (See sections 24-302 and 24-504 for standards applicable to all districts.)

School. A public or civic building designed, constructed, or used for education or instruction in any branch of knowledge.

School, adult (business, trade). A public or private school primarily teaching useable skills to adults, including, but not limited to, business, vocational, driving and trade courses.

School, compulsory. A public or private elementary, junior high or high school licensed by the state and which meets state requirements for providing compulsory education.

Schools — University/college. A public or private institution dedicated to post-secondary education.

Transportation — Bus, taxi, or transit station. A public transportation facility designed for the transfer, pick-up and drop-off of passengers traveling by bus, taxi, trolley, or similar low-impact means, including with buildings or associated passenger convenience facilities, distinguished from public stops accommodated in the design of the right-of-way.

Transportation — Freight and maintenance yard. An area and/or building where storage, maintenance, or dispatch of vehicles used for public transportation occurs, or any other similar high-intensity activities associated with public transportation.

Transportation — Airport, heliport, or helipad. Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities and housing of aircraft. This includes any area used by helicopters for landing and take-off, passenger and cargo loading.

Transportation — Public parking. A parcel of land where the principle use is to park vehicles whether on a fee basis operated by a public or private entity or whether to support an adjacent use or business located on a different lot. Parking may be on a surface lot or in a structure.

Transportation — Towing service. A parcel of land used for the storage, impoundment, and retrieval of vehicles that have been towed.

Utilities — Limited. Any above-ground structure or facility, excluding buildings, which is owned by a governmental entity or any entity defined as a public utility for any purpose by the state public utilities commission, and used in connection with delivery of utility services to nearby lots and other areas, with maximum heights of towers and accessory structures under those permitted by the zoning district. Examples include accessory utility structures that served customary needs of the uses in the zoning district.

Utilities — General. Any above-ground structure or facility, which is owned by a governmental entity or any entity defined as a public utility for any purpose by the state public utilities commission, and used in connection with delivery of utility services to nearby lots and other areas, with maximum heights of towers and accessory structures above those permitted by the zoning district. Examples include substations or other facilities that support the storage and generation of facilities.

Utilities — Lines over 33 KVA, overhead. Any utility that utilizes overhead lines that transmit above 33 kilo volt amperes.

Utilities — Co-generation or power plants. A facility which is owned by a governmental entity or any entity defined as a public utility for any purpose by the state public utilities commission, and used for generating of power for distribution to sub-stations or other general accessory distribution facilities.

3. *Commercial.* The commercial use category is the use of land and buildings for entities engaged in sale of products or services, the limited production and distribution of products, or other administrative or support services to help businesses. It includes the following types of uses:

Adult business. Any store, establishment, tavern, club or theater having a substantial portion of its stock in trade, books, magazines or other periodicals; video movies, films, slides or photographs; instruments, devices or paraphernalia; or live performances, which are characterized by their emphasis on matters depicting, describing, or related to specified anatomical areas or specified sexual activities. For the purposes of this definition, a business shall not be considered an adult business if it carries less than 20 percent of its stock in adult materials and it prevents the public from viewing or observing merchandise or products that depict specified anatomical areas or specific sexual activities, as may be displayed by the products or on the packaging.

(a) *Specified anatomical areas.*

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast above or below a point which would expose any portion of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(b) *Specified sexual activities.*

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast;
- (2) Human genitals in a state of sexual stimulation or arousal;
- (3) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
- (4) Masturbation, actual or simulated; or
- (5) Excretory functions as part of or in connection with any of the activities set forth in subsections (2)a through d of this definition.

Animal care. A commercial use that provides care and medical or non-medical services for domesticated animals, including boarding, training, breeding, showing, treatment, grooming, or sale. Animal care is further refined by the scale and intensity of the operations, as follows (for non-domesticated animals and livestock, see *Farming, and limits on the accessory keeping of Livestock*):

Animal care — Limited. A small office or facility providing animal care that involves less than 5,000 square feet of commercial area, all activities occur indoors (except routine daily pet care), and any overnight boarding is limited to that necessary for medical care or observation. Examples include a veterinary office, pet grooming or training, and small animal day cares.

Animal care — General. A moderate sized office or facility providing animal care that is between 5,000 to 20,000 square feet of commercial space, or that involves animal boarding. Examples include a veterinary clinic, animal shelters, and indoor commercial kennels.

Animal care — Large. A large office or facility providing animal care that is more than 20,000 square feet of commercial space, or has significant outdoor activity including boarding kennels or play areas where animals may ordinarily be kept. Examples include domestic animal hospitals, large facilities for pet day care, and large commercial/outdoor kennels.

Animal care — Stable (>5 boarded animals). A commercial use for the keeping, boarding and/or training of horses, ponies, llamas, mules or other animals which may be used for riding purposes, for compensation and which may include an arena.

Auction house. A business that facilitates the buying and selling of assets, such as works of art, collectibles, household estate items, and other personal property. Auction house excludes selling of livestock.

Automobile gas station. A specific retail use engaged in the sale of fuel to the general public, and may involve limited accessory sales of convenience goods. This use may be combined with accessory vehicle service and repair uses, subject to the service bay limitations stated below.

Vehicle — Gas station uses are further refined by the scale, format and intensity as follows:

Automobile gas station, limited (up to 8 pumps). A vehicle gas station limited to no more than eight fueling stations, no more than two service islands, no more than two accessory vehicle service bays and no more than 1,500 square feet of accessory retail or service areas. Examples include small, neighborhood service stations.

Automobile gas station, general (9—20 pumps). A vehicle gas station limited to between nine and 20 fueling stations, no more than five service islands, no more than three accessory vehicle service bays and no more than 5,000 square feet of accessory retail or service areas. Examples include general stores and gas stations.

Automobile gas station, large (21+ pumps). A vehicle gas station that contains more than 20 fueling stations, more than five islands, and up to four accessory vehicle service bays and no more than 5,000 square feet of accessory retail or service areas. Examples include a large convenience center and gas station, or truck stops and travel centers.

Automobile repair/service. A specific service use engaged in motor vehicle and mechanical equipment maintenance and repair services, and accessory retail sale of supplies and accessories.

Automobile repair/service is further refined by scale, format and intensity as follows:

Automobile repair/service — Limited (up to 3 service bays; 0.5 acre max.). An automobile service and repair use limited to no more than three vehicle service bays, all vehicles are under 1½ tons G.V.W., where all work and storage of equipment and supplies occurs indoors, and where on-site or overnight storage of vehicles is limited and requires no special site accommodations other than ordinary parking areas. Sites are limited to no more than one-half acre. Examples include a small machine shop, mechanic, lubricant center, tire store, auto glass installation or audio or alarm installation.

Automobile repair/service — General (4—6 service bays; 1.0 acre max). An automobile service and repair use that involves four to six service bays, all vehicles are under 1½ tons G.V.W., where all work and storage of equipment and supplies occurs indoors, but where on-site or overnight storage of vehicles may be stored outdoors on the lot. Sites are limited to no more than one acre. Examples include large mechanic shop, lubricant center, tire store, non-accessory car wash, or an auto body shop.

Automobile repair/service — Large (7+ service bays; 1.0+ acres). An automobile service and repair use that involves seven or more service bays, all vehicles are under 1½ tons G.V.W., where all work and storage may occur outdoors and where on-site or overnight storage of vehicles and outdoor storage is typical. Sites are more than one acres. Examples include large service center, auto body and frame repair facilities, transmission and engine overhaul yards, or automobile painting facilities.

Automobile repair/service for heavy vehicles and equipment. An automobile service and repair use engaged in the maintenance and repair of motor vehicles, recreational vehicles or boats, commercial vehicles, heavy equipment and other vehicles over 1½ tons G.V.W., and other similar uses where services typically involve outside storage or work. Examples large vehicle maintenance, large truck or boat wash, and equipment yards.

Automobile sales/rental. A commercial business engaged in the sale, lease, or rental of automobiles. Automobile — Sales/rental is further refined by scale, format and intensity as follows:

Automobile sales/rental — Limited (< 0.5 acres). An automobile sales/rental facility on less than one-half acre that uses outdoor vehicle storage at a similar scale to a small-site commercial

parking area. Examples include an automobile broker that may have little or only temporary on-site storage, or a small car rental office.

Automobile sales/rental — General (0.5—1.0 acres). An automobile sales/rental facility on between one-half and one acre, where outdoor vehicle storage occupies a large portion of the site. Examples include a small car dealership, or a larger rental car facility.

Automobile sales/retail — Large (> 1 acre). An automobile sales/rental facility on more than one acre that includes significant amounts of outdoor vehicle storage. Examples include a large car dealership or car or truck rental facility.

Child care home. A residential dwelling licensed by the Colorado Department of Human Services to provide child care services as a home occupation and an accessory use to the operator's principal residence. The facility may provide care for up to 12 children, and subject to greater restrictions based on Colorado Department of Human Services licensing rules as an accessory use to the operator's principal residence.

Child care center. A commercial use that provides care for children outside of the home, or any care for more than 12 children.

Entertainment/event establishment. A commercial use that rents facilities and grounds for special events, concerts, social functions, or other large gatherings. This use does not include any events that are accessory to an otherwise permitted civic, institutional, or commercial use.

Food and beverage. A specific service and retail use engaged in the business of serving prepared food and/or beverages to the public for immediate consumption. Food and beverage uses are further refined by scale, format and intensity based on the following:

Food and beverage — Bar limited (under 3K; under 100 seats). A food and beverage use where a significant portion of the business, in sales and in hours of operation, involves the sale of alcoholic liquors by the drink for consumption on premises, and food services is secondary or accessory. The limited use requires under 3,000 square feet and under 100 seats to ensure compatibility with other neighborhood-serving or small-scale uses in terms of intensity of activity and hours of operation.

Food and beverage — Brewery/winery; bar general. A food and beverage use where a significant portion of the business, in sales and in hours of operation, involves the sale of alcoholic liquors by the drink for consumption on premises, and may include accessory craft manufacturing of alcoholic beverages. This general use is of a scale and intensity that frequently has accessory live entertainment or events and where the scale and intensity of the use is more compatible with general commercial uses.

Food and beverage — Restaurant limited (under 5K; under 100 seats). A small scale restaurant under 5,000 square feet and under 100 seats at full capacity.

Food and beverage — Restaurant quick serve. A food and beverage use where the food is served from a counter ready to eat with no significant table service, and where the customer turnover will be high due to any combination of accessory drive-through services, carry out orders, or quick sit-down services

Food and beverage — Restaurant general (5K+). A large scale restaurant with over 5,000 square feet of commercial area or over 100 seats.

(For accessory drive-through facilities see section 24-403.e.)

Home occupation accessory. A business or employment use accessory to an allowed residential dwelling. (See section 24-503.c.)

Lodging. A commercial use providing accommodations for temporary, short-term overnight occupancy on at least a 24-hour basis, and accessory uses associated with typical guest services

such as food service, recreation or similar accommodations to support overnight-guests. Lodging is refined to the following scales based on building type, format and intensity of use.

Lodging short-term rental. The rental of a dwelling unit, or portion thereof, for less than one month.

Lodging bed and breakfast (up to 5 rooms). A small residential building used for lodging, meals, and shared living space between the primary occupants and patrons and includes at least two but no more than five rooms.

Lodging hotel/motel small (6 to 40 rooms). A small commercial or large residential building providing lodging and includes at least six but no more than 40 rooms.

Lodging hotel/motel general (40+ rooms). A large commercial building providing lodging and includes 41 or more rooms.

Medical care. A commercial service use providing medical, dental, or physical health or wellness care to the public. This use type is further categorized by the following formats:

Medical care limited (under 5K). A medical care use offering routine outpatient services, that occupies less than 5,000 square feet of diagnostic or treatment area, includes no surgical or inpatient facilities, and operates in normal business hours. Examples include a small doctor or dentist office, eye-care center, or urgent care center that is accessory to a larger retail or pharmacy use.

Medical care general (5K—20K). A medical care use offering routine outpatient services, that occupies between 5,000 and 20,000 square feet for diagnostic or treatment areas, includes no inpatient facilities, and operates in normal business hours. Examples include a larger doctor or dentist group practice, small clinic or analytical lab, or small outpatient urgent care or surgical center.

Medical care large (>20K). A medical care use offering a full range of services that occupies over 20,000 square feet for diagnostic or treatment areas, and may include emergency care, surgical services or other inpatient treatment. The use may include accessory retail, food service, pharmacy or wellness/fitness uses. Examples include small hospital, remote surgical centers, or large clinic or analytical labs.

Medical care hospitals. A medical care use with a full range of diagnostic, surgical, and emergency services, and occupies a large commercial building or multiple buildings arranged around a campus that serves a greater region. It includes a wide range of accessory office, lab, and retail uses related to patron, patient, and visitor needs. Examples include a large hospital or regional medical center campus.

Mortuaries and funeral homes. A building used for human funeral services, which may contain space and facilities for services used in preparation of the dead for burial; the storage of caskets, urns, and other related funeral supplies; and the storage of funeral vehicles. Funeral homes shall not include crematoriums as accessory uses.

Office. A commercial use focused on employment and engaged in the administrative, professional, clerical or management aspect of business or professional services that typically do not have frequent or unscheduled on-premises interaction with the public or clients. Office uses are further refined by the scale and format of buildings based on the following:

Office general (under 20K). An office use in a small commercial building with under 20,000 square feet, typically within one moderate-sized building.

Office large (20K+). An office use in a large commercial building or multiple buildings in a complex or campus, with over 20,000 square feet.

Pawn shops. A commercial use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.

Personal service. A commercial use engaged in the business of providing personal or professional services to the public that may include frequent or unscheduled interaction with clients or customers on the premises. Examples include barbershop or beauty salon, travel agency, small equipment repair, tailor, bank or personal financial services. Service uses are further refined by scale, intensity and format based on the following:

Personal service limited (under 5K; under 1 acre). A service use under 5,000 square feet, typically in line with other small-scale uses in a multi-tenant commercial building or in mixed-use building on a site of less than one acre.

Personal service general (5K+; 1+ acre). A service use between of 5,000 square feet, in a small freestanding building or part of a large mixed-use building.

Recreation. A commercial service use engaged in the business of providing daily or regularly scheduled activities for entertainment, leisure activities, training and instruction, or exercise, offered to the public through individual, membership, or group arrangements. This use type is further refined by the scale, format and intensity as follows:

Recreation indoor, limited (< 5K; < 1.0 acre). An indoor recreation/entertainment use that involves a building less than 10,000 square feet. Examples include a small bowling alley, fitness club, billiard hall, or dance or yoga studio.

Recreation indoor, general (5K—20K; 0.5—1.0 acre). An indoor recreation/entertainment use that involves a building between 10,001 and 40,000 square feet. Examples include a large bowling alley, a small sports and recreation center, a small theater, large health club or fitness center, or small shooting range.

Recreation indoor, large (> 20K; > 1.0 acre). An indoor recreation/entertainment use that involves a building more than 40,000 square feet. Examples include a large sports and recreation center, skating ring, or theater complex.

Recreation outdoor, limited (no lights; < 0.5 acre). An outdoor recreation use that involves less than two acres of active outdoor recreation grounds. Examples include a small pickle ball center, batting cages, or small community center.

Recreation/entertainment outdoor, general (no lights; 0.5—1.0 acre). An outdoor recreation use that involves less between two and five acres of active outdoor recreation grounds. Examples include miniature golf, swimming pool, tennis center, small band shell or amphitheater.

Recreation/entertainment outdoor, large (lights or > 1.0 acre). An outdoor recreation use that involves more than five acres of active outdoor recreation grounds. Examples include waterpark, drive-in theater, shooting range, driving range, sports and athletic complex.

Recreation RV and travel trailer park. An outdoor recreation use providing overnight accommodations within a large open area for recreational purposes and may involve associated accessory buildings or facilities for parking RVs on a temporary basis for recreation or vacation purposes.

Recreation outdoor racetrack. An outdoor recreation use for racing of any motorized vehicles.

Retail. A commercial use primarily engaged in the sale of products for final use to the general public with frequent interaction of patrons or consumers on premises. Retail uses are further refined by scale, intensity and format based on the following:

Retail limited (< 3k). A small-scale retail use contained in a building with under 3,000 square feet of gross leasable area.

Retail general (3K—20K). A retail use contained in a building with at least 3,000 but less than 20,000 square feet of gross leasable area.

Retail large (20K—100K). A large-scale retail use contained in a building with at least 20,000 but less than 100,000 square feet of gross leasable area.

Retail warehouse (100K+). A large-scale retail use contained in a building with at least 100,000 square feet of gross leasable area.

Retail outdoor limited (less than 25 percent; up to 0.5 acres). A retail use where a small portion of the merchandise is displayed permanently outside, limited to no more than 25 percent of the merchandise area being outside and limited to sites no more than one-half acre. Examples include a garden center, statuary store, or small equipment dealer. This does not include accessory outdoor sales and display areas that may be permitted as an accessory use to an otherwise permitted use or seasonal events that may be permitted through a temporary use permit.

Retail outdoor general (less than 50 percent; up to 1.0 acre). A retail use where a significant portion of the merchandise is displayed permanently outside, limited to no more than 50 percent of the merchandise area being outside and limited to sites no more than one acre. Examples include a lumber yard, large equipment rental or dealer, or small landscape supply store.

Retail outdoor large (over 50 percent or more than 1.0 acre). A retail use where a substantial portion of the merchandise is displayed permanently outside, including more than 50 percent of the merchandise area being outside or sites more than one acre. Examples include an equipment sales lot, boat or recreational vehicle sales lot, large machine or farm implement sales yard.

Retail outdoor nurseries and greenhouses. A retail use engaged in the sale of plants and other living vegetation, and where substantial portions of the merchandise is displayed outside.

Retail outdoor flea market or swap shop. A retail use where a large number of vendors will display merchandise indoors or outdoors on a short term or interim basis.

4. *Industrial.* The industrial use category involves the use of land and buildings for businesses engaged in the production, processing, storage or distribution of goods, which may have potential impacts beyond the site due to the types of activities, the physical needs of the site or facility, the types of materials used, or the delivery and access operations. Depending on the scale, intensity, and operations of these uses they may not be compatible with other uses or buildings, and may need special districts, more careful location criteria, and/or increased site design or operational limitations in order to be more generally applicable in the city.

Auto dismantling, junk and salvage yards. An industrial use for collecting, storing or selling scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts.

Commercial services. A business engaged in service to other businesses and industries, or engaged in services to the general public but where industrial uses support the service, or where services dispatched from a central location for storage of vehicles, equipment, or merchandise. Examples include plumbing, exterminators, HVAC repair, janitorial services, commercial laundry services, or other similar uses.

Commercial services limited (< 10 vehicle fleet). A small-scale commercial service use with limited outdoor storage needs and with a vehicle fleet less than ten vehicles, where surface parking and vehicle storage needs are similar to other general commercial uses.

Commercial services general (10—20 vehicle fleet). A commercial service use where outdoor storage is necessary or with a vehicle fleet between ten and 20 vehicles, requiring dedicated areas for storage of vehicles during down times or off hours.

Commercial services large (21+ vehicle fleet). A large-scale commercial service use that may have substantial outdoor storage needs or with vehicle fleet is more than 20 vehicles, requiring large areas for storage of vehicles or equipment.

Concrete and asphalt batch plant. A facility or equipment used in mixing the dry warm aggregate, padding and asphalt for homogeneous mixture at the required temperature, typically in association with a street, large parking area or other large-scale construction project, sometimes on a temporary or interim basis.

Crematoriums. A place for the cremation of human or animal remains.

Foundries. An industrial use for producing castings in molten metal.

Gravel and mineral extraction, batch plant. The process of extracting metallic or nonmetallic mineral deposits from the earth and crushing, separating or otherwise processing the extracted mineral deposits into a useable form.

Grain and feed elevators and supply. An industrial use that stores grain and similar agriculture and feed products in bulk for storage, processing, or distribution to other locations.

Livestock auction. A business that facilitates the buying and selling of livestock, including showing, housing, and otherwise caring for livestock to facilitate the purchase.

Manufacturing limited/artisan (under 5K). A small-scale manufacturing use converting prepared materials into finished products. The activities produce little or no byproducts such as smoke, odor, dust, or noise discernable from outside of the building where deliveries and distribution are made by general consumer delivery services requiring no special large truck access, and where products are made available to the general public. Uses occupy buildings or spaces under 5,000 square feet of gross leasable area. Examples include artists' studios, small wood or metal shops, craft manufacturing, small bakery, or other similar small-scale assembly of finished products.

Manufacturing general (5K—100K). A manufacturing use converting prepared materials into finished products or parts. The activities produce little or no byproducts such as smoke, odor, dust or noise are discernable from outside of the building, and where distribution and delivery needs occur through light to moderate commercial truck access. Examples include small equipment or commodity assembly, production of consumer products, or similar businesses.

Manufacturing large (100K+). A large-scale manufacturing use converting raw or previously prepared materials into other materials or finished products. The activities may produce byproducts such as noise, dust, smoke or odor, but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large-scale manufacturing or fabrication plants, large equipment assembly, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.

Manufacturing food and beverage minor (up to 3 acres). A manufacturing establishment primarily for packaging, producing or processing foods for human consumption that meets the definition of *food and beverage processing (major)* but which also dedicates a portion of the building footprint's square footage (a minimum of ten percent, up to 50 percent) to sales of food, beverages and/or other retail for on-premises purchase and/or consumption; and which occupies a site of three acres or less; and which cannot generate offensive odors, emissions, traffic or other off-site impacts or shall otherwise be considered a major food processing facility.

Manufacturing food and beverage major (3+ acres). A manufacturing establishment packaging, producing or processing foods for human consumption and certain related products and includes, but is not limited to the following: (1) bakery products, sugar, and confectionary products (except facilities that produce goods only for on-site sales and not wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving and related processing; (5) grain mill products and by-products; (6) meat, poultry, and fish canning, curing and byproduct processing (not

including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

Manufacturing chemical plant. An industrial use primarily engaged in the storage, processing, production, and distribution of chemicals on a large scale, where chemical reactions are used to transform materials for use in other industrial or business applications.

Manufacturing rendering, slaughter and packaging. An industrial use where waste products and livestock carcasses are converted into industrial fats.

Oil and gas operations. Exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well including the installation of flowlines and gathering systems; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations. See section 24-1102 for specific definitions, standards, and procedures related to oil and gas uses.

Private smoking club. A noncommercial, private facility, not open to the general public, whose bona fide members' primary association relates to the smoking of legal tobacco products subject to all of the following:

1. Club membership criteria must be such that the general public cannot access the club with a day pass, limited membership or similar exception.
2. The smoking club is limited to occupancy of a freestanding building or that is in an area within an establishment accessed exclusively with a separate entrance and is in an area enclosed by solid walls or windows, a ceiling and a solid door and equipped with a ventilation system which is separately exhausted from the nonsmoking areas of the establishment so that air from the smoking area is not recirculated to the nonsmoking areas and smoke is not back streamed into the nonsmoking areas.
3. The club may have an outdoor patio if not located immediately adjacent to another business or residence, public right-of way, sidewalk or trail, other patio space, playground or similar outdoor recreational space.
4. Building signage is limited to that allowed for C-L (commercial low-intensity) uses.
5. Any product sales or rentals will require a business license, are limited to members only, and any sale of alcoholic beverages must be permitted by a city liquor license and not exceed 20 percent of gross revenue.
6. Such facilities are specifically prohibited from any electronic arcade or gaming machines or allowing members to engage in games of chance.

Research and testing labs. A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Warehouse/storage. An industrial use engaged in the business of keeping goods and products for interim or long-term periods for personal or business uses, or for the distribution to other businesses and industries, including any logistic services related to this business such as labeling, bulk packaging, inventory control, or light assembly. Warehouse and storage uses are refined further based on the scale, format and intensity as follows:

Warehouse/storage — Indoor limited (< 50K; up to 1 acre). A warehouse/storage use where individuals store personal property in units or space leased or rented on a periodic basis and where all storage are accessed from within the principal building. Examples include small indoor self-storage mini-warehouses, or small commercial warehouse.

Warehouse/storage — Indoor/general (50K—200K; 1—5 acres). A warehouse/storage use for businesses or larger personal products where all items are stored indoors. Examples include large indoor self-storage mini-warehouse, large commercial warehouses, and long-term garages.

Warehouse/Storage — Large (200K+; 5+ acres). A large-scale warehouse/storage use for long-term storage of products or supplies, and where access and truck traffic is not frequent.

Warehouse/storage — Distribution center. A large-scale facility where goods or products are stored on site temporarily for the purpose of delivery to a retailer or final destination, and where the nature of the operation has frequent daily truck traffic. Such facilities may include automated systems, office space and a pick and pack area to be used by employees for sorting and packaging goods and products for delivery from available, on-site inventory.

Warehousing/storage — Outdoor limited (up to 1 acre). A storage use for the public where individuals store personal property in units leased or rented on a periodic basis and where all storage is inside but individual units may be accessed directly from the outside. Examples include small outdoor self-storage mini warehouses or small equipment storage yard.

Warehouse/storage — Outdoor general (1+ acre). A storage use for the public or other businesses where large-scale household items or machinery, commercial products, raw materials, or supplies are stored on an outdoor lot. Examples include large outdoor self-storage mini warehouse, boat or RV storage, building supply lots or similar industrial supply storage yards.

Warehouse/storage — Bulk storage of flammable liquids and gases. The use of grounds for storing tanks used for gases or liquefied petroleum, often as a distribution point for further shipment or processing or re-use at other locations.

Waste management recycling collection small. A small-scale disposal point for recyclable or reusable materials, where items are dropped in bins that protect them from the elements, eliminate them from view of surrounding areas, and otherwise mitigate any noise or odor. These facilities are solely for temporary drop off and storage, until weekly or daily pick up of the materials, can bring them to a separate location for further procession or disposition.

Waste management recycling processing and collection. A large-scale disposal point for recyclable or reusable material, where longer-term storage or processing of materials may occur on site.

Waste management refuse and transfer station. A facility for the purposes of separation, aggregation and/or compaction of solid waste prior to delivery to a landfill.

Water and waste water treatment plant. An industrial use used to treat and process water and wastewater for further distribution or disposal.

Well drilling companies. A business that stores, supplies, operates or distributes machinery and equipment used for drilling wells.

Wireless communication facilities. A pole, tower, or antenna for the purposes of transmitting and receiving communication signals, other than that accessory to a principal use of the property. Wireless communication facilities include monopoles and towers with attached appurtenances such as microwave dishes and antennae, rooftop, wall- and ground-mounted microwave dishes and antennas. See section 24-1101 for specific definitions, standards, and procedures applicable in all districts.

(Ord. No. 35, 2021, § 3(app. A, § 3), 9-21-2021; Ord. No. 7, 2023, app. A(24-4-2), 2-21-2023; Ord. No. 17, 2023, app. B(24-402), 5-2-2023; Ord. No. 14, 2024, § 1(app. A), 6-4-2024)

Sec. 24-404. Specific use standards.

- a. *Mixed-use dwelling.* In districts where mixed-use dwellings are allowed uses, the following standards shall apply to a building or structure with two or more different uses, one of which shall be residential:

1. In the commercial zoning districts, at least 50 percent of the ground floor of a mixed-use building shall be in a nonresidential land use. In the R-H zoning district, no more than 50 percent of the total gross floor area of a structure containing a mixed-use, including basement area, shall be devoted to nonresidential uses.
 2. In the R-H zone, only commercial uses permitted in the C-L district are allowed, and they may be further conditioned, limited or prohibited through the use by special review process in section 24-206. Mixed-use dwellings in commercial and mixed-use zones may include any commercial use permitted within that zoning district.
 3. The design and character of all buildings and sites shall be compatible with the predominant character of the surrounding neighborhood. The operating characteristics of a nonresidential land use in a predominantly residential neighborhood shall be compatible with the residential uses. For the purposes of this section, operating characteristics shall include, but not be limited to, hours of operation, lighting, noise and traffic.
- b. *Residential care.* When residential care is a permitted or use by special review, they shall meet the following conditions to ensure they are integrated into neighborhoods, have a non-institutional nature, and maintain the residential character.
1. *Residential care — Group home.*
 - (a) Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discreet way in accordance with the design standards.
 - (b) In the R-L and R-M districts, no group home shall be located less than 750 from another existing group home.
 - (c) Group homes shall be supervised at all times, and may include up to two resident caregivers.
 - (d) Group homes shall be licensed by, operated by, or owned by a governmental agency or nonprofit qualified to provide care and supervision.
 - (e) Group homes shall not include alcoholism or drug treatment centers, work release facilities or other housing facilities qualifying as residential care — institutional.
 2. *Residential care — Assisted living, general, and institutional:*
 - (a) The use shall be located on a collector street or higher, or otherwise located as a transition between the neighborhoods and other nonresidential or mixed-use areas.
 - (b) In residential districts, the building and site shall meet all residential design standards so that the use, building and site is compatible with the neighborhood in terms of scale and intensity of activity.
 - (c) Any facilities necessary to serve the residents, guests or support the staff, that are nonresidential in nature shall be located on the most discrete portions of the site and building, and otherwise designed and screened to mitigate impacts on adjacent property according to section 24-803.
- c. *Animal care.* All animal care facilities shall comply with the following:
1. All animal care businesses shall provide proof of compliance with all standards and licenses required by local or state animal care and control laws.
 2. Any facility that provides boarding shall provide the following:
 - (a) Adequate shelter from the elements for the animals.
 - (b) Adequate facilities for preventing the escape of animals from the premises.
 - (c) Adequate facilities for keeping the animal environment clean and free of filth.

- (d) Confinement and treatment of animals shall be in a manner that is humane and appropriate, which enclosures where the animal spends the majority of the day or where there is otherwise not access to an outside animal run, shall meet the requirements of table 24-4-4: Animal boarding standards, which do not include required exercise areas:

Table 24-4-4: Animal Boarding Standards		
Animal Size	Minimum Kennel Area Floor Space*	Height
Extra-small dogs up to 10" high	4.5 s.f.	• Min. 18 inches. • At least 1.5 times height of animal at shoulder. • Max. required: 48 inches.
Small dogs up to 16" high	6.0 s.f.	
Medium dogs up to 22" high	9.0 s.f.	
Large dogs up to 26" high	12.0 s.f.	
Extra-large dogs up to 30" high	16.0 s.f.	
Giant breeds over 30" high	18.0 s.f.	
* Calculated as: (length of dog in inches + six) (squared) divided by 144 times two equals required floor space in feet		

3. Dog runs and exercise areas shall meet the following minimum space requirements:
 - (a) The length of the runs and exercise areas shall be a minimum of three times the length of the dog from the tip of its nose to the base of its tail; the width shall allow the dog to turn around easily; and the height shall be 1½ times the height of the dog at the shoulders, with the maximum height required of 48 inches, the minimum of 18 inches.
 - (b) Indoor/outdoor runs that have the primary enclosure and the exercise area in combination shall for measuring purposes be considered an exercise run and shall be measured from the extreme inside to the extreme outside for length determination.
 - (c) Outdoor or indoor runs used as a combined primary enclosure and exercise area shall be measured from one extreme end to the other extreme end for length. The same criteria will apply to freestanding runs used for exercise areas only.
 - (d) Each dog housed in the specified primary enclosure must be provided the opportunity to exercise for a minimum of 60 minutes over a 24-hour period.
 4. Adequate supervision of the animals in the kennel facility must be present to the following standards:
 - (a) There must be a minimum of one human supervisor (at least 16 years of age), present at all times and able to directly view each enclosure or common area where dogs from different owners are commingled.
 - (b) If more than 15 dogs are housed in a common area or enclosure, there must be at least one adult supervisor present for each 15 dogs housed within each enclosure or common area, with a maximum of 60 dogs housed in any enclosure or common area at a single time.
 - (c) Where after-business hours or overnight boarding care is provided, the applicant must provide an animal care and supervision plan if human supervision is not provided during this period. Such plan must address how animal care and emergency needs will be managed in the absence of human supervision.
 5. Commercial businesses for which the principal use is either a pet shop or grooming operation, a pet management plan may be submitted in lieu of compliance with the confinement and exercise standards within this section. The plan must demonstrate compliance with local and state animal care and welfare standards, and include a description of the alternate accommodations related to area, location, duration of enclosure periods, and access to food, water and shelter.
- d. *Automobile gas stations.* All automobile gas station uses shall comply with the following:

1. No more than one access drive shall be permitted for each street frontage.
 2. All light sources, including canopy, perimeter and flood lights and lenses, shall be shielded or fully recessed within the roof canopy so that light is contained on site.
 3. If on-site convenience store or other retail or service component is provided, the design, location and operation of these facilities shall be compatible with the design, location and operation of the gas station.
 4. The maximum height of a canopy shall be 20 feet for flat roofs and 24 feet for pitched roofs. Canopies shall be architecturally compatible with the principal building and all other accessory structures on the site with the same or complementary materials, architectural style and colors. The material used on the underside of the canopy shall not be highly reflective. Setbacks for the canopy shall be measured from the outside edge of the canopy.
 5. Adequate stacking space shall be provided on site without using any portion of the adjacent street or alley for stacking. Stacking shall not occur in required setbacks.
 6. Dispensing pumps and adjacent parking, fueling or service areas shall not be located within the property setbacks.
 7. If the convenience store, gas station or auto repair use is immediately adjacent to residential zoned property or existing residential uses on at least two sides, the hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. daily.
- e. *Automobile repair/service.* All automobile repair/service uses shall comply with the following:
1. Areas for overnight vehicular storage shall be enclosed or screened from the view of adjacent properties and the public right-of-way except when located in the Industrial-Medium Intensity (I-M) or Industrial-High Intensity (I-H) zones.
 2. Where a automobile repair/service use abuts residential uses or residential zones, a minimum 20-foot side yard setback and a minimum 25-foot rear yard setback shall be provided.
 3. No used or discarded automotive parts or equipment, or disabled, junked or wrecked vehicles shall be located outside any structure.
 4. Landscaping, screen walls, berms, placement of the use or other site design techniques shall be used to screen cars being serviced or waiting for service and to screen overhead doors from view from the public right-of-way.
 5. Auto repair uses within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any auto repair use shall be compatible with surrounding uses in form, materials, color and scale. The location, size and design of the auto repair use shall be compatible with and have minimal adverse impact on the use of surrounding properties. Overhead doors shall be constructed of non-reflective materials.
- f. *Automobile repair/service — Car and truck washes.* Uses that include car or truck washes as an accessory or principal use shall comply with the following:
1. Bays shall be located so that they are perpendicular to the public right-of-way or screened from view if on a corner site.
 2. No auto repair shall be conducted within a car or truck wash bay.
 3. All-over spray shall be contained on site.
 4. Operating characteristics of car and truck washes, such as hours of operation and the use of lighting, shall be conducted in such a manner that is compatible with surrounding land uses.
 5. Other applicable requirements for car and truck washes may be found in the city's storm drainage and water department standards and criteria.

- g. *Bed and breakfasts.* All bed and breakfast uses shall comply with the following:
1. Cooking facilities, including stoves, hot plates or microwave ovens, shall not be permitted in guest rooms.
 2. Meals or food served in the bed and breakfast shall be prepared in a central kitchen on site and served solely for bed and breakfast occupants.
 3. Individual rooms in a bed and breakfast shall not be rented more than twice during a 24-hour period.
- h. *Manufacturing food and beverage minor.* All minor food and beverage manufacturing uses shall comply with the following:
1. Commercial elements of the use shall be visually and physically accessible to the public realm and designed as the most prominent aspect of the site. Commercial elements include the sale of food, beverages or other retail for on-premises purchase or consumption. The use of architecture, sidewalks, landscaping and parking shall be to define and emphasize these commercial components while deemphasizing the manufacturing and other aspects of the facility.
 2. Loading and storage areas, where otherwise allowed by this development code, shall be separated from public entrances and areas associated with the commercial elements of a minor food and beverage processing facility and shall be located at the rear of the facility and screened from rights-of-way and off-site uses, to the extent feasible.
 3. Traffic by heavy trucks or rail shall be separated from public entrances and areas to avoid regular conflicts with the public and commercial aspects of the use.
 4. Environmental impacts, such as odor, heat, glare, noise, vibration and other such emissions or impacts shall be reasonably contained on site and not discernable at or beyond the property line. The inability to confine such impacts to the site would qualify this use as a major food processing use.
 5. The applicant for a minor food and beverage processing facility shall demonstrate that a portion of the building footprint's square footage, equal to or greater than ten percent and no more than 50 percent, is dedicated to sales of food, beverages or other retail or services for on-premises purchase or consumption.
 6. All other applicable site and building design standards applicable in the particular district or location shall be met.
- i. *Waste management — Recycling collection small.* All small recycling collection uses shall comply with the following:
1. The facility shall be installed as an accessory use to an existing multifamily development, commercial or industrial land use.
 2. Facilities shall not be located within 100 feet (excluding right-of-way) of any residential zoning district.
 3. The facility shall be no larger than 300 square feet and occupy no more than five parking spaces, excluding space that will be periodically needed for removal of materials or exchange of containers, and one parking space for an attendant, which shall be located outside setbacks.
 4. All permanent or temporary structures shall be set back at least ten feet from any public right-of-way, shall be located so that pedestrian or vehicular circulation is not obstructed, and otherwise located in a manner to limit adverse impacts on adjacent property and the public streetscape.
 5. The facility shall accept only glass, metals, plastic containers, papers and similar items; or may be a collection point for donation of reusable, non-perishable household items such as books or clothing.
 6. No power-driven processing equipment shall be used except for reverse vending machines.
 7. Containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, and shall be of a capacity sufficient to accommodate materials

collected and collection schedule. All material shall be stored in the unit and shall not be left outside of the unit when unattended. The facility shall be placed on asphalt or concrete and shall not impact any landscaping or landscaped areas.

8. The facility shall be maintained in a clean and sanitary manner, free of litter and any other undesirable materials.
 9. Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling containers.
- j. *Waste management — Recycling processing and collection.* Recycling collection facilities that do not meet the small facility limits, or all recycling processing and collection uses shall be limited to industrial districts and comply with the following:
1. The facility shall not be adjacent to a parcel designated or planned for residential use.
 2. Structure setbacks shall be those provided for the zoning district in which the facility is located.
 3. All exterior storage of material shall be in sturdy containers that are covered, secured and maintained in good condition. Outdoor storage shall be screened by a six-foot solid fence or wall. No storage, excluding truck trailers, shall be visible above the height of the wall or fence. No outdoor storage shall be permitted in zoning districts that do not permit outdoor storage.
 4. The site shall be maintained clean, sanitary and free of litter and any other undesirable materials and shall be cleaned regularly of loose debris. Containers shall be clearly marked to identify the type of material that may be deposited, and the facility shall display a notice stating that no material shall be left outside the recycling containers.
 5. Space shall be provided on site for a minimum of five vehicles to circulate and to deposit recyclable materials and for employee and commercial vehicle parking.
 6. All containers provided for after-hours donation of recyclable materials shall be at least 100 feet from any residential use or zoning district and constructed of sturdy rustproof construction with sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
 7. The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation. Identification, informational and directional signs shall meet the sign standards of the zoning district.
 8. Power-driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.
 9. The site shall be secured from unauthorized entry and removal of materials when attendants are not present.
 10. Hazardous materials, dead animals or yard waste shall not be considered recyclable material, except as otherwise provided in this development code.
- k. *Affordable housing.* Affordable housing, as defined in section 24-1301, is permitted within any approved dwelling unit and is primarily designated as affordable housing for the purpose of qualifying for the affordable housing parking reduction. Projects that include affordable housing units should follow the approval process for the equivalent residential use shown in Table 24-4-2 including, but not limited to, single-family dwelling, two-family dwellings, row house dwellings, and multi-family dwellings. Affordable housing should also follow the residential development standards for the equivalent building type including, but not limited to, detached house, multi-unit house, row house, and apartment. Transitioning an affordable

housing unit to a regular dwelling unit is considered a change of use requiring an amendment to the approved plans and the provision of adequate parking by the applicant.

(Ord. No. 35, 2021, § 3(app. A, § 3), 9-21-2021; Ord. No. 14, 2024, § 1(app. A), 6-4-2024)

Sec. 24-1301. Definitions.

All terms used in this code shall have their plain and commonly accepted meaning, based upon the context of their use in the code. The following terms shall have the meaning given below, unless more specifically described, limited or qualified within the standards of this code. Some chapters have specific definitions where the terms have the given meaning for interpretation of that chapter.

100-year flood. A flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood). The terms "100-year flood" and "one-percent-chance flood" are synonymous with the term "100-year flood."

100-year floodplain. The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

Abandoned sign.

- (1) A sign or sign structure and components, for which no legal owner can be found; and/or
- (2) A sign and structure which are used to identify or advertise a business, tenant, owner, product, service, use, event or activity that has not been located on the premises for a period of 90 consecutive days or longer.

Accessory building or structure. A detached building or structure located upon the same lot as the principal building or structure to which it is related, which is incidental to and customarily found in connection with such principal building or structure.

Accessory use. A use customarily incidental, related and subordinate to the main use of the lot, building or structure which does not alter the principal use.

Adjacent. Close, contiguous, and related to by proximity, sharing a common boundary or otherwise nearby to have a relationship without intervening dissimilar elements. When referring to land, separation caused by a street, alley, sidewalk, railroad right-of-way, utility line, trail, or irrigation ditch, or similarly related land can be considered adjacent.

Abutting. Directly touching elements that share a common edge or boundary.

Affordable housing. Any dwelling unit with an executed and recorded deed restriction stating that the dwelling unit will be reserved for affordable housing by adhering to the income limits and maximum rents published annually by the department of housing and urban development for no less than 15 years.

Alley. A minor way used primarily for vehicular access or service to the back of properties adjacent to a street. An alley shall not be considered a street.

Alteration. Any act or process requiring a building permit, moving permit, demolition permit or sign permit for the reconstruction, moving, improvement or demolition of any designated property or district; or any other action in which a review by either the historic preservation commission or the city's historic preservation specialist is necessary under this article and/or the district designation plan and in accordance with the definitions of major and minor alterations, for the purposes of this article.

American National Standards Institute (ANSI). The standards by said organization that helps development in the use have an equitable and open process that serves industry and the public good, having a consensus in standards development; ANSI's essential requirements.

Animal unit. A unit of measurement used to determine the animal capacity of a particular site or parcel of land and to establish an equivalency for various species of livestock.

Animated sign. (See *Flashing or animated or imitating sign.*)

Antenna. A device used to transmit and/or receive radio, television or any other transmitted signal and which may be rooftop, wall or ground-mounted.

Appeal. A review of a final decision by a higher authority.

Applicant. The owners or lessees of property, the agent of such owners or lessees, or persons who have contracted to purchase property, or the city or other quasi-governmental entity that is proposing an action requiring review and approval by one or more of the sections in this title. An applicant may subsequently become the developer once approval is granted and, in this case, the terms shall be interchangeable.

Appurtenances. The visible, functional objects accessory to and part of buildings or structures and which may extend above the height of the roof.

Art. All forms of original creations of visual art, including, but not limited to, sculpture; mosaics; painting, whether portable or permanently fixed, as in the case of murals; photographs; crafts made from clay; fiber and textiles; wood; glass; metal; plastics; or any other material or any combination thereof; calligraphy; mixed media composed of any combination of forms or media; unique architectural styling or embellishment, including architectural crafts, environmental landscaping; or restoration or renovation of existing works of art of historical significance. Works of art are not intended to be used for commercial advertising purposes.

Arterial street. (See *Street*.)

Artificial turf. Any of the various synthetic fibers made to resemble natural grass.

Awning, internally illuminated. Any transparent backlit awning or awning lettering which transmits light from within the awning to the outside surface of the awning.

Awning sign. A sign that is mounted or painted on or attached to an awning.

Backing. The background area of a sign, which differentiates the total sign display from the background against which it is placed.

Basement. Any level of a building where more than one-half of the vertical distance between floor and ceiling is below the grade of the site.

Beacon. (See *Searchlight*, *strobe light* or *beacon*.)

Bedroom. Any room intended and used principally for sleeping purposes.

Berm. (See *Earthen berm*.)

Bioretention facility. A landscaped stormwater element designed to concentrate or remove debris and pollution from surface water runoff by moving water slowly and horizontally at the surface through vegetation using gently sloped sides that cleanse water from pollutants and soil erosion before it enters the city's stormwater system.

Bioswale. A channeled depression or trench that receives rainwater runoff (as from a parking lot) and has vegetation (such as grasses, flowering herbs, and shrubs) and organic matter (such as mulch) to slow water infiltration and filter out pollutants.

Block. A group of platted lots and outlots surrounded by streets or by other features that interrupt the street network such as parks, railroad rights-of-way, or municipal boundary lines; or the perimeter of all lots fronting on the street in the case of a cul-de-sac.

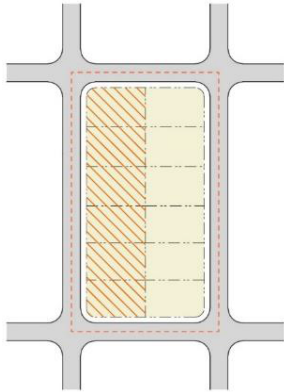


Standard Block

Cul-de-Sac Block

Exception

Block face. All lots on one side of a block.



Block Face

Buffer. To promote separation and enhance compatibility between land uses of different intensities.

Building. Any structure built for the shelter or enclosure of persons, animals or property of any kind, excluding fences or walls.

Building appurtenance. The visible, functional or ornamental object accessory to and part of a building.

Building code. Any law, ordinance or code which is in force in the city and which pertains to the design and construction of buildings and other structures, or to any components thereof, such as cooling and heating, plumbing, electricity and the like.

Building envelope. The area in which a building or structure is constructed or placed in a development and in which the land area beyond the envelope is under the single ownership or common ownership of all property owners within the development.

Building footprint. The outline of the total area which is covered by a building's perimeter at the ground level.

Building frontage. The area of the lot along the front building line, and when referring to design standards it may include relationship of this area and the primary façade of the building.

Building frontage, principal. The horizontal linear dimension which is designated as the primary façade of that portion of a building occupied by a single use or occupancy for the purposes of allocating signs and other design requirements.

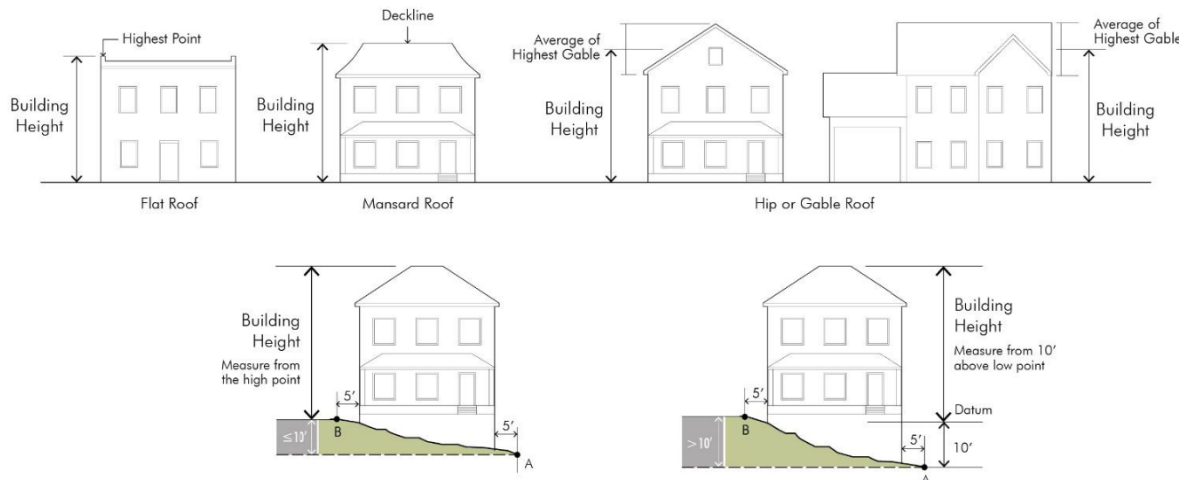
Building frontage, secondary. That dimension of a building abutting a public right-of-way other than the principal building frontage for the purposes of allocating signs and other design requirements.

Building or structure height. The vertical distance from grade at an exterior wall of a building or structure to the highest point of the coping of a flat roof, to the average height of the highest gable of a hipped roof, or a monitor roof, or to the highest point of a curved roof. This measurement shall be exclusive of church spires, cupulas, chimneys, ventilators, pipes, and similar appurtenances. For the purposes of this definition, grade applies as follows:

- (1) When there is less than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from the wall, use the highest elevation.
- (2) When there is greater than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from the wall, use ten-feet higher than the lowest elevation in this area.

The height of the building is the vertical distance above a reference datum measured to:

- (a) The highest point on a flat roof;
- (b) The deck line of a mansard roof;
- (c) The average of the highest gable on a hip or gabled roof.



Building, principal. The primary building on a lot or a building that houses the principal use.

Building line. The actual line at which a building is constructed, and the location of other elements on the lot or adjacent lots may refer to this line extended outward from the building.

Building line, required front. The portion of the lot frontage required to be occupied by the front façade of a principal structure, or other permitted accessory structures or landscape associated with the frontage design.

Caliper. The diameter or circumference of a tree.

Candela. A unit of luminous intensity, defined as the luminous intensity of a source that emits monochromatic radiation of frequency 540×10^{12} Hertz and that has a radiant intensity of $1/683$ watt/steradian and adopted in 1979 as the international standard of luminous intensity.

Centerline (of public right-of-way). A line running midway between the bounding right-of-way lines of a street or alley. For the purposes of calculating signage, the centerline means the apparent centerline of the road determined by finding the point midway between the outer edges of the road surface.

Certificate of approval. A certificate issued by the city authorizing the construction, alteration or demolition of property and improvements designated under this chapter.

Certificate of occupancy (C.O.). A written certificate provided by the city signifying the subject building/structure (property) has complied with city standards allowing for use and occupancy.

Change of use. A use that substantially differs from the previous use of a building or land and which may affect such things as parking, drainage, circulation, landscaping, building configuration, noise, or lighting. A change of ownership which does not include any of the factors listed above shall not be considered a change of use.

Changeable copy sign (also known as a marquee sign). A sign designed to allow the changing of copy as with individual letters through manual means, without altering the sign backing or structure in any such way.

Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuous or periodic flowing water.

Channel letters, individual letters, raceway and channel sign. Individual letters, flat cutout letters or symbols constructed to be applied singly in the formation of a wall sign or freestanding sign.

Channelization. The artificial creation, enlargement, or realignment of a stream channel.

Circumference. The perimeter measurement of a building or structure, measured as a continuous line.

Clear vision zone or area. That area which the city requires maintenance of in order to preserve the sight distance and safety of motorists, pedestrians, and bicyclists by requiring an unobstructed line of sight necessary for most drivers stopped at an intersection to see an approaching vehicle, pedestrian or bicyclist to avoid a collision.

Collector street. (See *Street*.)

Commercial mineral deposit. A natural mineral deposit of limestone used for construction purposes, coal, sand, gravel, and quarry aggregate, for which extraction is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogic, or other scientific data that such deposit has significant economic or strategic value to the area, state, or nation.

Common consumption area. An area designed as a common area located within a designated entertainment district and approved by the local licensing authority that uses physical barriers to close the areas to motor vehicle traffic and limit pedestrian access.

Comprehensive plan. The comprehensive plan of the city, as provided for in the city Charter and which provides for the future growth and improvement of the community, for the preservation of historic and natural resources, and for the general location and coordination of streets and highways, recreation areas, public building sites and other physical development. Comprehensive plan may also include any specific plans, policies, or programs adopted under the guidance of that plan for the purposes of interpreting and applying this code.

Condominium. A form of ownership in which the interior floor space of a unit or area is owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.

Coverage. Land area which is covered with impervious surfaces, such as buildings, patios, or decks with roofs, carports, swimming pools, tennis courts, or land area covered by any other type of structure, including parking lots.

Cul-de-sac. A local street with one open end and the other end terminating in a vehicular turnaround.

Deciduous. A plant with foliage that is shed annually.

Decision point distance. Where the clear vision sight distance triangle begins.

Deck. A floored outdoor area, typically elevated above grade and adjoining a residential dwelling.

Dedication. Setting aside property for a specific purpose, including, but not limited to, streets, utilities, parks, and trails.

Demolition. Any act or process which destroys, in part or in whole, any designated property or property located within a designated historic district.

Density. The number of dwelling units per gross acre of land area.

Detention area. An area which is designed to capture specific quantities of stormwater and to gradually release the same at a sufficiently slow rate to reduce the risk of flooding.

Developer. Any person, partnership, joint venture, association, or corporation or other legal entity who or which shall participate as owner, promoter, designer, builder, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision.

Developing. A lot, or grouping of lots or tracts of land, with less than 60 percent of their perimeter boundary adjacent to existing development. For the purposes of this definition, public parks, natural areas and other such areas which are not eligible for further development shall be considered developed. Areas which were originally platted prior to 1978 and which have at least 75 percent of the lots in the development built on within this 20-year period shall also be considered developed. A replat of the original plat shall not affect the commencement of this 20-year period.

Development. Any construction or activity which changes the basic character or use of land on which construction or activity occurs, including, but not limited to, any non-natural change to improved or unimproved real estate, substantial improvements to buildings or other structures, mining, dredging, filling, grading, paving, extraction, or drilling operations.

Development or subdivision improvement agreement. A written instrument for the purposes of specifying all improvements to be constructed by the developer, as well as the timetable for construction of such improvements, any special conditions of construction, and construction cost estimates.

Direct lighting. Spot or floodlighting used to illuminate a sign surface.

Directional on-site. Signs that direct the movement or placement of pedestrian or vehicular traffic on a lot without reference to, or inclusion of, the name or logo of a product sold or services performed on the lot or in a building, structure or business enterprise occupying property, such as "welcome," "entrance," "exit," "restrooms," "parking," "loading area," and "drive-thru."

Dissolve. A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

District. A portion of the community within which uniform regulations apply.

Downtown entertainment district. That area contained within the south curb flow line of 7th Street, the west curb flow line of 8th Avenue, the north curb flow line of 10th Street and the east curb flow line of 9th Avenue.

Drive-in or Drive-through. Accessory site and building features that encourage or permit customers to order and receive food or beverages while remaining in a motor vehicle for consumption on or off the site and which includes a menu board and audio or video speakers.

Drive-up. Accessory site or building features that encourage or permit customers to receive services or obtain or drop off products while remaining in a motor vehicle and which excludes a menu board and/or audio or video speakers.

Driveway. An improved concrete or asphalt path leading directly to one or more city-approved parking spaces constructed with a concrete, asphalt, or similar all-weather surface.

Dry wash channel. Natural passageways or depressions of perceptible extent, containing intermittent or low-base flow.

Dust abatement plan. A plan intended and designed to control dust during the construction or development of property.

Dwelling unit. One room, or connected rooms, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease as a single unit, on a monthly basis or longer, physically separated from any other room or dwelling units which may be in the same structure and served by no more than one gas meter and one electric meter.

Earthen berm. A mound of earth, higher than grade, used for screening or buffering, the definition of space, noise attenuation, and decoration in landscaping.

Easement. A right granted by a property owner permitting a designated part of interest in the owner's property to be used by others for a specific use or purpose.

Ecological character. The natural features and attributes of an area or landscape that, combined, give the area its character.

Electronic message display. A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

Emergency. An unexpected and sudden event that must be dealt with urgently in order to stabilize or protect a structure.

Entertainment district. An area within the city that is designated as an entertainment district of a size no more than 100 acres and containing at least 20,000 square feet of premises licensed as a tavern, hotel and restaurant, brew pub, retail gaming tavern, or vintner's restaurant at the time the district is created.

Evergreen. A plant with foliage that persists and remains green year-round.

Existing development. Any development in the city once all public improvements, including water, sewer, streets, curb, gutter, streetlights, fire hydrants, and storm drainage facilities, are installed and completed.

Exposed incandescent or high intensity discharge lighting. Any sign or portion of a sign that utilizes an exposed incandescent or high intensity lamp, with the exception of neon.

Exterior or perimeter wall. A wall, elements of a wall, parapet wall or any elements or groups of elements which define the exterior boundaries or courts of a building.

Façade. The exterior face of a building.

Fade. A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Family. An individual living alone, or any number of persons living together as a single household who are interrelated by blood, marriage, adoption or other legal custodial relationship; or not more than two unrelated adults and any number of persons related to those unrelated adults by blood, adoption, guardianship or other legal custodial relationship. In multifamily units, the number of unrelated adults shall be determined based on the provisions of the city's housing code. For the purposes of this definition, a bona fide employee of the family who resides in the dwelling unit and whose live-in status is required by the nature of such person's employment shall be considered a member of the family.

Federal Register. The official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

Fence. Any artificially constructed barrier of an approved material or combination of materials erected vertically to enclose or screen areas of land.

Figures. An outline, shape or pattern of numbers, letters or abstract images.

Financial security or guarantee. A financial obligation, in a form acceptable to the city, which assures completion and payment for all improvements related to development of property.

Flag. Material attached to or designed to be flown from a flagpole or similar device and which may display the name, insignia, emblem or logo of any nation, state, municipality, or commercial or noncommercial organization (see *Pennants*).

Flashing or animated. Signs or lighting with flashing, blinking, moving or other animation effects or that give the visual impression of such movement by use of lighting, or intermittent exhibits or sequential flashing of natural or appearance of artificial light or colors, including those signs that rotate, revolve, spin, swing, flap, wave, shimmer, or make any other motion, or illusion of motion, or which imitate official governmental protective or warning devices (see *Imitating sign*).

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain. An area which is adjacent to a stream or watercourse and which is subject to flooding as a result of the occurrence of an intermediate regional flood and which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term "floodplain" includes, but is not limited to, mainstream floodplains, debris fan floodplains, and dry wash channels and floodplains.

Floor area, gross. The total area of a building measured by taking the outside dimensions of the building at each floor level, or from the centerlines of walls separating two buildings and excluding areas used exclusively for the service of the building such as mechanical equipment spaces and shafts, elevators, stairways, escalators, ramps, loading docks, cellars, unenclosed porches, attics not used for human occupancy, any floor space in accessory buildings, or areas within the building which are intended for the parking of motor vehicles.

Flow line. The low point within a street section wherein water is intended to collect and flow, typically the gutters along each edge of pavement.

Foundation plantings. Live plantings located immediately around the base of the foundation of a building façade that reflects the formal geometry of the structure.

Frame. A complete, static display screen on an electronic message display.

Frame effect. A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

Freestanding sign. A sign which is not attached to any building. A freestanding sign shall include, but is not limited to, a pole, monument, a canopy, and freestanding wall sign. A sign that extends more than four feet from a wall but is attached and/or is part of a canopy or an awning shall be considered a freestanding sign.

Freestanding wall or fence. Either a wall that is not attached to a building or a wall attached to a building that projects more than four feet beyond the exterior wall of the habitable portion of the building.

Frontage. The area of a lot between the front building line and the front lot line.

Garage or yard sale. The occasional sale of new or used goods at a residence, which may be held outside and/or within a garage or accessory building.

Gas. All natural gases and all hydrocarbons not defined as oil.

General Improvement District #1. That 19-block district bounded by 11th Street to the south, 6th Street to the north, 7th Avenue to the east and 11th Avenue to the west, excluding City Block 35.

Geologic hazard. A geologic condition which is adverse to current or foreseeable future construction or land use associated therewith, constituting a hazard to public health and safety or property, including, but not limited to, landslide, rock fall, subsidence, expansive soils, slope failure, mudflow, or other unstable surface or subsurface conditions.

Ghost sign. Old hand-painted signage that has been preserved on a building for an extended period of time, whether by actively keeping it or choosing not to destroy it.

Glare. A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Grade. The average elevation of the finished surface of the ground, paving, or sidewalk with a radius of five feet from the base of the structure.

Graphics. Drawings, decals, paint, or illustrations.

Gravel. Inert materials such as loose fragments of rock larger than "pea" size and commonly used as parking surface material.

Gross floor area. (See *Floor area*.)

Gross leasable area (GLA). The area of a building that can be leased to tenants, including storage areas and common areas apportioned to the number of tenants sharing the area. Gross leasable area shall be measured in the same manner of gross floor area, but is apportioned to specific uses or tenants in the building.

Gross land area. The total land area of a site or property, including land to be dedicated for streets and other public purposes.

Ground cover. Materials that typically do not exceed one foot in height used to provide cover of the soil in landscaped areas, which may include a combination of, but is not limited to, river rock, cobble, boulders, concrete pavers, grasses, flowers, low-growing shrubs and vines, and those materials derived from once-living things, such as wood mulch. In no event shall weeds be considered ground cover.

Ground kites. Freestanding frames usually covered with flexible fabric and designed to be animated by the wind to attract attention.

Guest. A person who is visiting at the principal or primary home of another person for up to 30 days, and which home is not the principal or primary home of the guest.

Habitat. Areas that contain adequate food, water and cover to enable one or more species of wildlife to live in or use the area for part of all of the year and which typically consists of natural or planted vegetation, along with one or more sources of water available in the area or adjacent areas.

Hazard. Any structure or use of land which endangers or obstructs the airspace required for aircraft in landing, take-off and maneuvering at the airport.

Hazardous material. Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance, or which may be detrimental to the natural environment and/or wildlife inhabiting the natural environment.

Height. (See *Building height*.)

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hillside development. Development in areas which contain existing, natural slopes in excess of 15 percent.

Historic district. A geographically definable area with a concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, design, setting, materials, quality, sense of cohesiveness or related historical and aesthetic associations, that is recognized through listing in a local, state or national landmarks register.

Historic preservation. The protection, rehabilitation and/or restoration of districts, buildings, structures, and artifacts which are considered significant in history, architecture, archaeology, or culture.

Historic sign. A sign that has been officially designated as an historic landmark.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Holiday decorations. Temporary decorations, lighting or displays which are clearly incidental and customary and commonly associated with any national, state, local, religious or commonly celebrated holiday and which contain no commercial message.

Home occupation. An occupation, profession, activity, or use conducted within a residential dwelling unit that is incidental and secondary to the use of a residential dwelling unit, which does not alter the exterior of the property or affect the residential character of the environment and which meets the provisions of this article.

Home occupation, rural. An accessory use to a farming operation or a non-farm household located in a rural area, designed for gainful employment involving the sale of agricultural produce grown on the site, conducted either from within the dwelling and/or from accessory buildings located within 500 feet of the dwelling occupied by those conducting the rural home occupation.

Homeowners' association. An association of homeowners or property owners within a development, typically organized for the purpose of enforcement of private covenants and/or carrying out the maintenance of common areas, landscaping, parks, building exteriors and streets.

Household pet. Any nonvenomous species of reptile and any domestic dog, cat, rodent, primate or bird over the age of four months, which is typically kept indoors. For the purposes of this definition, guide or assistance animals shall not be considered household pets.

Illumination. The use of artificial or reflective means for the purpose of lighting a sign.

Imitating sign. Signs which purport to be, are an imitation of, or resemble an official traffic sign, signal or equipment which attempt to direct the movement of pedestrian or vehicular traffic using such words as "stop," "danger" or "caution" to imply a need or requirement to stop, or a caution for the existence of danger, such as flashing red, yellow and green. (See *Flashing or animated*.)

Impervious. Any hard-surfaced, man-made area that does not readily absorb or retain water, including, but not limited to, building roofs, paved parking and driveway areas, compacted areas, sidewalks, and paved recreation areas.

Incidental sign. Nondescript signs, emblems or decals attached to a permanent structure informing the public only of those facilities or services available on the premises, such as a credit card sign or a sign indicating hours of business.

Indirect lighting. Reflected light or lighting directed toward or across a surface.

Individual letters. (See *Channel letters*.)

Infill. A lot, or grouping of lots or tracts of land, with at least 60 percent of their perimeter boundary adjacent to existing development. If a right-of-way at least 120 feet in width or streets designated on the comprehensive transportation plan, as major collectors or arterial streets are adjacent to the subject lot, lots across such a street shall be excluded for the purposes of determining infill and at least 60 percent of the remaining boundaries of the site shall be adjacent to existing development for the lot to be determined to be infill.

Inflatable sign or inflatable object. Any object filled with air or other gas, including balloons, which characterize a commercial symbol or contain a message.

Intensity. An expression of the level or nature of development in nonresidential developments, or zones or specific land uses based on combinations of building coverage and height, impervious surfaces, expected traffic, hours of operation, noise, or similar impacts on surrounding areas.

Internal illumination. A light source that is contained within the sign itself, or where light is visible through a translucent surface.

Irrigation system. An underground, automatic sprinkler system or above-ground drip system explicitly designed for watering vegetation.

Kiosk. A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

Landscape plan. A scaled graphic plan showing the treatment of all open space areas, parking lots, parking areas, areas adjacent to the public right-of-way, perimeter treatment, and other landscaped areas.

Landscaping. Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features, such as rock, stone, bark chips, or shavings; and structural features, including, but not limited to, fountains, reflecting pools, screening walls, solid fences, and benches.

Lawn. A stretch of open, turf-grass covered land; artificial turf shall not be considered lawn or turf-grass.

Leading edge. The point of a sign, including its support structure, nearest to the public right-of-way.

Legal description. A land description recognized by law, including the measurements and boundaries.

Legible. A sign capable of being read with certainty without visual aid by a pedestrian of normal visual acuity.

Live plantings. Trees, shrubs and organic ground cover which are in healthy condition.

Livestock. Animals typically related to agricultural or farming uses, including, but not limited to, chickens, swine, sheep, goats, horses, cattle, yaks, alpacas, and emus.

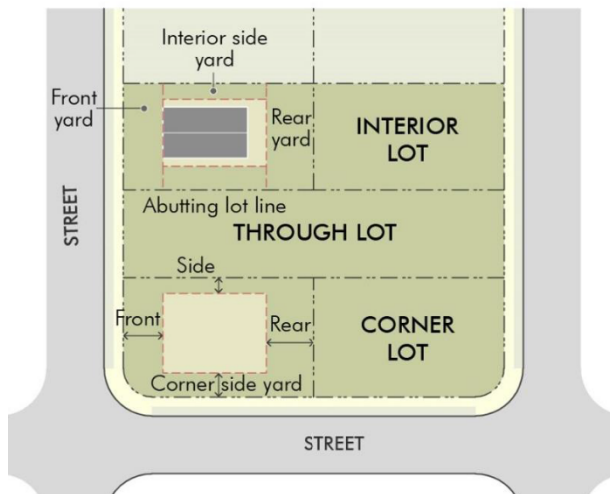
Living fence. A permanent hedge tight enough and strong enough to serve almost any of the functions of a manufactured fence, but it offers agricultural and biological services.

Living unit. Any habitable room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating.

Loading space or zone. An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

Local street. (See *Street*.)

Lot. A parcel of land, established by a subdivision plat, having the required minimum dimensions, which shall be located on either a public right-of-way or on a legal and perpetual access and which is occupied or designed to be occupied by one or more principal buildings, structures, or uses.



Types of Lots

Lot area. The total square footage or acreage contained within lot lines.

Lot, corner. A lot abutting on and at the intersection of two or more streets.

Lot coverage. (See *Coverage*.)

Lot depth. The average distance between the front and rear lot lines.

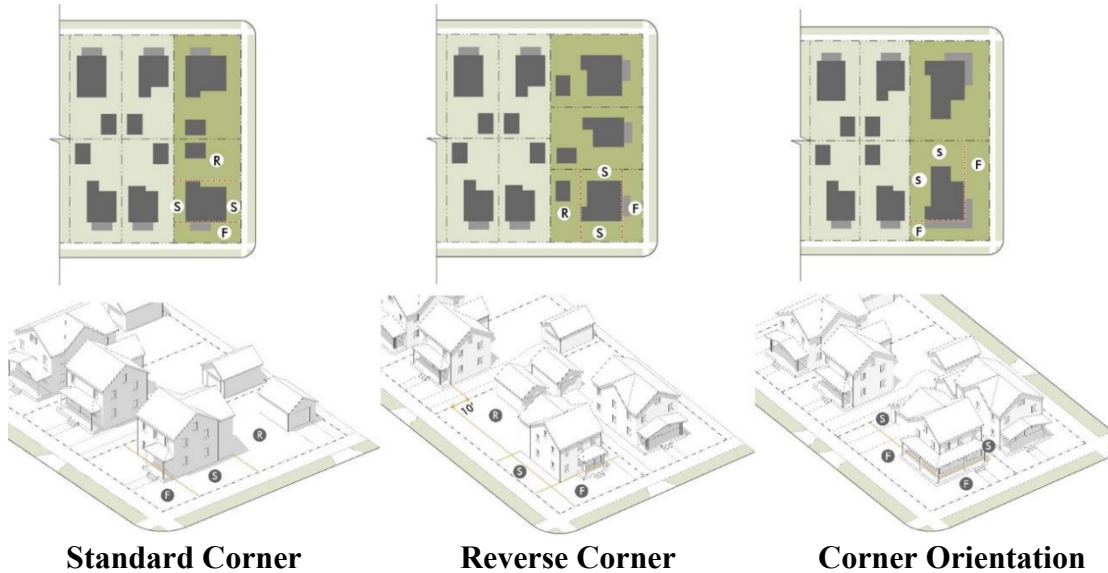
Lot, double frontage or through. A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. The lot line abutting the street which provides primary access shall be considered the front lot line.

Lot, interior. A lot other than a corner lot, with frontage on only one street.

Lot line. A line dividing one lot from another lot or parcel, or from a street or alley.

Lot line, front. The property line dividing a lot from a street or public or common space on which the building and lot orients. On a corner lot, generally the shorter street frontage shall be considered as a front lot line, except that the context of the block and abutting lots may allow the following arrangements:

- (1) *Standard corner.* The building orients to the same front as all other buildings on the same street, and an expanded side setback applies on the other street side of the lot. Side and rear setbacks apply to the remaining sides.
- (2) *Reverse corner.* The building orients to the end-grain of the block (not the same as other buildings on the interior of the block), and the front setback and frontage design applies to that street. The other street-side setback is the greater of (a) the stated street-side setback for that building type or (b) ten feet in front of the forward-most point of the front building line of the abutting lot. Side and rear setbacks apply to the remaining sides.
- (3) *Corner orientation.* The building orients to both streets, with the front setback and frontage design applying on both street sides. The two remaining lot lines are treated as side setbacks and there is no rear setback.

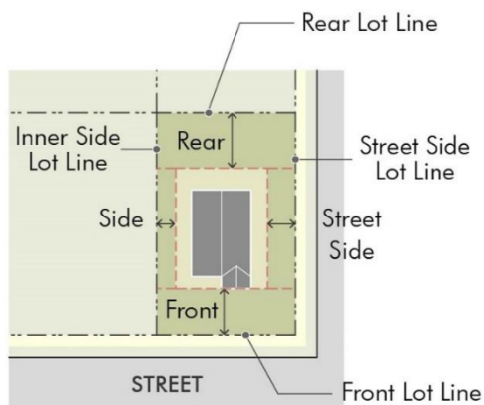


Lot line, interior side. A side lot line which is adjacent to a side lot line of another lot.

Lot line, rear. The line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front lot line.

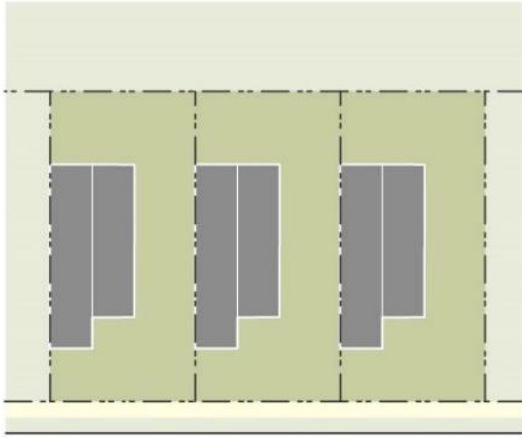
Lot line, side. Any lot lines other than the front or rear lot line.

Lot line, street side. A side lot line which separates the lot from a street.



Lot and Building Lines

Lot line, zero. The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line, provided that separations or setbacks between buildings meet all applicable building and fire code provisions.



Zero Lot Line Development

Low-water adaptive plants. Plants which have or can adapt to low levels of irrigation water.

Maintenance of landscaping. Regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, removing and replacing of dead plants, and the repair and replacement of irrigation systems.

Maintenance of a sign. Cleaning, repairing, painting, or replacement of defective parts in a manner that does not alter the dimension, material or structure.

Manufactured home. (See *Dwelling or residence, single-family* in the description of uses.)

Mechanical equipment. Any and all equipment ancillary to the use or function of a building and/or structure, including, but not limited to, heating or cooling equipment, pool pumps and filters, electrical equipment, transformers, exhaust stacks, and roof vents.

Menu board. A permanently mounted sign which lists the products or services available at a drive-in or drive-thru facility and not legible from the right-of-way.

Mid-range expected service area. The growth area capable of accommodating the estimated increase in development in the city in the next five years.

Mineral owner. Any person having title or right of ownership in subsurface oil and gas or leasehold interest therein.

Mobile home. A detached, single-family housing unit that does not meet the definition of single-family dwelling or residence set forth in these definitions and which has all of the following characteristics:

- (1) Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities and has plumbing and electrical connections provided for attachment to outside systems;
- (2) Designed to be transported after fabrication on its own wheels, on a flatbed or other trailers or on detachable wheels;
- (3) Arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports or jacks, underpinned, connections to utilities and the like;
- (4) Exceeding eight feet in width and 32 feet in length, excluding towing gear and bumpers; and

(5) Is without motive power.

Mobile home accessory building or structure. A building or structure that is an addition to or supplements the facilities provided in a mobile home. It is not a self-contained, separate, habitable building or structure. Examples are awnings, cabanas, garages, storage structures, carports, fences, windbreaks, or porches and patios that are open on at least three sides.

Mobile home park or community. A site or tract of land held under one ownership, which is suited for the placement of mobile homes.

Mobile home park or community, existing. A mobile home park or community for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) are completed before the effective date of the ordinance codified in this development code.

Mobile home park or community, expansion to. The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

Mobile or micro home site. A plot of ground within a mobile home community, or other small format housing project, designed for the accommodation of one mobile home or similar small-format dwelling unit and its accessory structures.

Model home. An unoccupied dwelling unit built on a site in a development for display and/or sales purposes and which may include an office solely for the development in which it is located, and which typifies the units that will be constructed in the development.

Monument sign. A freestanding sign supported primarily by an internal structural framework or other solid structure features where the base of the sign is in contact with the ground.

Mulch. A natural planting material such as pine straw, coconut fiber, ground pine post peeling, or tree bark used to control weed growth, reduce soil erosion and water loss.

Multiple use. A site, tract of land or development that contains more than one type of land use, including, but not limited to, residential, office, retail, or industrial uses.

Native grass. A native Colorado grass.

Natural area. Aquatic or terrestrial habitats or areas which exist in their natural condition and which have not been significantly altered by human activity.

Natural area corridor. An aquatic or terrestrial corridor that connects one or more natural areas or habitats together.

Natural feature. Features which give an area its general appearance and ecological character and which attract or support the wildlife species that use or inhabit the area.

Neighborhood. The land area which is in the vicinity of the lot, tract, outlot, or parcel of land in question and which will be affected to a greater extent than other land areas in the city by uses which exist on the lot or are proposed for it. A neighborhood also includes lots which are adjacent to one another and have a community of shared interest.

Neon. A sign illuminated by a light source consisting of a neon or gas tube that is bent to form letters, symbols or other shapes.

New construction. Structures for which the start of construction commenced on or after the effective date of the ordinance codified in this article.

Nits. A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter.

Nonconforming. Any building, structure, site, or use that does not conform to the regulations of this development code, but which was lawfully constructed, established and/or occupied under the regulations in force at the time of construction or initial operation.

Nonconforming mobile home communities. Mobile home communities lawfully established and properly licensed by the city under the 1976 Code, or which were developed and used prior to and as of September 5, 1972, as a place where mobile homes were located for residential occupancy and, as of that date, the area must have been in compliance with any and all applicable city or county ordinances and regulations related to mobile home use of land.

Non-deciduous. Shrubs or trees, also called evergreens that keep their foliage year-round.

Official map. The map establishing the zoning classifications of all land in the city and showing all amendments to zoning classifications as they may be adopted.

Off-premises sign. A sign or device that advertises a business establishment, good, facility, service, or product which is not sold or conducted on the premises on which the sign or device is located and which may be designed to change copy on a periodic basis.

Off-street parking areas. (See *Parking*.)

Oil. Crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.

Opacity. The degree or extent that light is obscured.

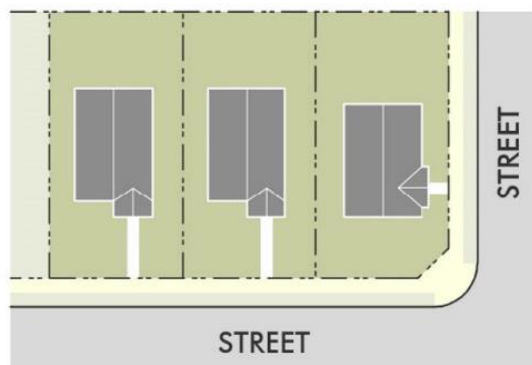
Open space, common. A common area permanently set aside for the common use and enjoyment of residents or occupants of a development or members of a homeowners' association, which open area may be landscaped and/or left with natural vegetation cover and which may include swimming pools and other recreational leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding, or off-street bicycle trails; and landscape areas adjacent to roads which are in excess of minimum required rights-of-way.

Open space, private or on-lot. An outdoor area not intended for habitation, directly adjoining a dwelling unit or building, which is intended for the private enjoyment of the residents or occupants of the adjacent dwelling unit or building and which is defined in such a manner that its boundaries are evident. Private or on-lot open space may include lawn area, decks, balconies, and/or patios.

Open space, required. That portion or percentage defined by the zoning standards of a lot required to be open and unobstructed. The area must not be covered by any structure or impervious surface, such as sidewalks or driveways, with the exception of required amenities, identity features, or useable open space required pursuant to this code.

Open space, usable. That portion of a lot or site available to all occupants of the building or site for recreational and other leisure activities that are customarily carried on outdoors.

Oriented. To locate or place a building or structure in a particular direction on a lot or site which shall generally be parallel to the adjacent street.



Buildings Oriented to the Street

Ornamental tree. A deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a shade tree approximately 15 to 25 feet in height.

Outdoor display. The display of products for sale outside a building or structure in areas to which customers have access.

Outdoor storage. The keeping, outside a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours. Outdoor storage shall not include the storing of junk or the parking of inoperable motor vehicles. Storage of commercial recreational vehicles/equipment, boat, and personal vehicles are excluded from this definition.

Outlot. A tract of land platted in a subdivision for a specific purpose, which shall be shown on the face of the plat. Specific purposes may include, but are not limited to, drainage areas, stormwater detention or retention areas, parks, open space, or land areas reserved for other public facilities.

Overlay district. A zoning district classification which encompasses a defined geographic area and imposes additional requirements above that required by the underlying zoning. Overlay districts may be combining, where they join property included in two or more adjoining districts based on common attributes or policies; or overlay districts may be separating, where they distinguish property in a single district based on a specific attribute or context that requires different regulations.

Parcel. A unit or contiguous units of land in the possession of, or recorded as the property of one person, partnership, joint venture, association or corporation, or other legal entity.

Park. Any dedicated and accepted public or private land available for recreational or scenic purposes.

Parking. The parking or leaving of an operable, licensed vehicle, current in its registration, for a temporary period.

Parking areas or lots. Areas designed, used, required, or intended to be used for the parking of motor vehicles, including driveways or access ways in and to such areas but excluding public streets and rights-of-way.

Parking bay. A group of parking stalls or vehicle parking spaces to accommodate 15 or more vehicles.

Parking block. A group of parking bays surrounded by landscape edges, internal access streets, public streets or buildings and sidewalks, typically used to break larger parking areas into smaller distinct components. Parking blocks are used to minimize the visual impact of parking, improve organization of the development and circulation within the site, and/or preserve opportunities for the site to accept infill or redevelopment in a more logical pattern without disruption of streets and utilities.

Parking, shared. The development and use of parking areas on two or more separate properties for joint use by those properties.

Parking slab. A paved parking space located off-street and designed to accommodate standard-sized motor vehicles as provided in the off-street parking and loading requirements chapter of this development code.

Parking space. A space or stall within a parking area established in conformance with this development code.

Parking space, storage. A space for the storage of operable, licensed vehicles, current in registration, including recreational vehicles or equipment, for a period of 30 days or longer.

Parkway. The strip of land typically located between the sidewalk and the curb, also referred to as a *tree lawn*.

Path or pathway. A designated route or path for non-motorized use such as for walking or bicycling. Paths may include both sidewalks and trails.

Pennants. Any long, narrow, usually triangular flag typically made of lightweight plastic, fabric, or other material, and not containing a message, image or representative symbol, usually found in a series on a line and designed to move in the wind.

Perennials. Non-woody plants, which may die back to the ground each year but continue to grow on an annual basis. Perennials shall also include cold weather bulbs and tubers and ornamental grasses that grow each year and shall count toward ground cover requirements.

Perimeter treatment plan. A plan intended to provide visual and noise protection for the outer edges of developments, which border arterial streets, major collector streets, or other sensitive borders. Perimeter treatment also provides an attractive and varied streetscape for people traveling along thoroughfares.

Permanent sign. A sign attached to a building, structure or the ground in a manner that precludes ready removal or relocation of the sign.

Permeable. A material that allows liquids or gases to pass through it.

Permitted sign. A sign having a legal permit issued in accordance with the provisions of this title.

Permitted use. A use allowed in a zoning district and subject to the restrictions and review procedures which apply to that district.

Person. Any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, or owner or any representative, officer or employee thereof.

Pervious. A surface that allows water to pass through; a surface that presents an opportunity for precipitation to infiltrate into the ground.

Planned unit development (PUD). A development planned, designed, and constructed with specific standards as an integral unit and which typically consists of a combination of uses district, and provides for an equivalent level of standards, and broader community benefits in exchange for flexibility in the standards.

Planting median. An area in the approximate center of a city street, road, or state highway that is used to separate the directional flow of traffic or the center of two parking bays that provide vegetation and pedestrian accessibility to the principal building or structure by way of a paved sidewalk.

Plat. A subdivision map or plan of property.

Plat, final. A completed map of a subdivision setting forth fully and accurately all legal and engineering information, survey certification and any accompanying materials as required by this title.

Plat, preliminary. A proposed subdivision map and any accompanying materials as required by this title, which provide sufficiently detailed information so that preliminary agreement as to the form and content of the plat, coordinating the planning, design, and engineering standards of this title, may be reached between the developer and the city.

Pole sign. A sign that is affixed, attached, or mounted on a freestanding pole or structure that is not itself an integral part of or attached to a building or structure.

Pollinator gardens. Gardens designed for the purpose of providing habitat for or attracting bees, butterflies, moths, hummingbirds, or other beneficial creatures that transfer pollen from flower to flower, or in some cases, within flowers.

Portable sign. A sign that is not permanently affixed to a building, structure or the ground and that is easily moved, such as a sandwich board sign.

Practicable. Capable of being done within existing constraints including environmental, economic, technological, or other pertinent considerations.

Premises. The land, site or lot at which, or from which, a principal land use and activity is conducted.

Primary entrance. The entrance to a building or structure which is intended to be the main pedestrian or public entrance and which shall typically be located on the front of the building or structure, and therefore includes enhancements and human-scale details to show the priority and importance of the space to the public.

Principal building or structure. (See *Building*.)

Private smoking club means a not-for-profit organization, that maintains selective members, is operated by the membership, and has as its primary purpose the legal consumption or use of tobacco smoking products as an aspect of its recreational, fraternal or social purpose for its members, but not for pecuniary gain, and which only sells or distributes alcoholic beverages to its members incidental to its operation.

Prohibited activities sign. Signs located on a property posting said property for warning or prohibition, such as "no hunting," "no swimming," or "no parking."

Projecting wall sign. Any sign attached to a building and that extends more than 20 inches from the surface to which it is attached, but no more than four feet from the wall of the building. Signs projecting more than four feet from the building shall be considered freestanding signs.

Promotional association. An association that is incorporated within the state that organizes and promotes entertainment activities within a common consumption area and is organized or authorized by two or more people who own or lease property within an entertainment district.

Public. A person, structure, activity, or purpose owned or operated by a governmental agency or by a public nonprofit corporation with tax-exempt status under the federal Internal Revenue Code.

Public hearing. A hearing held to allow interested persons to present such persons' views before the zoning board of appeals, planning commission or city council. A public hearing is different from an open meeting which does not allow participation by the public.

Public improvement. Any improvement required by title for which the city or a quasi-public agency agrees to assume responsibility for maintenance and operation, or which may affect an improvement for which the city or a quasi-public agency is already responsible. Such facilities include, but are not limited to, streets, parks, trails, drainage facilities, water and sewer facilities, gas, electricity, telephone, cable television, and other utility facilities.

Public sign. Signs required or specifically authorized for a public purpose by any law, statute, or ordinance, including public directional signs on the right-of-way; signs which identify the city by name; signs that direct travelers to public buildings, parks or attractions; interpretative signs; way-finding signs, municipal uniform traffic control devices; and the like.

Rain garden. A soil absorption or filter system designed to be depression storage or a planted hole that allows water filtration and absorption of rainwater runoff from impervious urban areas, such as roofs, driveways, walkways, parking lots, and turf-grass or sod areas. It is a type of bioretention facility designed to provide stormwater infrastructure improvements with vegetation. Typically shallow vegetative depressions with gentle slide slopes designed as individual stormwater receiving areas or linked to conveyance systems. Soils may or may not be amended in these facilities.

Recreational equipment. Equipment intended for outdoor recreational use, including, but not limited to, snowmobiles, jet skis, all-terrain vehicles (ATVs), canoes and boats, and including the trailers for transporting such equipment.

Recreational vehicle. A vehicle which is designed, intended and used for the purposes of temporary living accommodation for recreation, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes, horse trailers and bus campers. For the purposes of this definition, neither a pop-up trailer nor a truck topper accessory (also known as a camper shell) which is not higher than eight inches above the truck cab when installed shall be considered a recreational vehicle. A horse trailer used primarily for transport of horses and/or livestock to or from the site it is stored upon shall not be considered a recreational vehicle under this definition.

Recyclable material. Reusable material, including, but not limited to, metals, glass, plastic, and paper, which are intended for reuse or reconstitution for the purpose of using the altered form. The term "recyclable material" shall not include refuse or hazardous materials or the processing of recyclable materials.

Redevelopment district. All land located within the boundaries of the urban renewal area of the city, as it may be amended from time to time by the city council.

Residential complex, subdivision or multifamily entry sign. An on-site sign that identifies a specific residential complex or subdivision.

Right-of-way. A right granted by a property owner and which is intended to be occupied by a street, sidewalk, railroad, utilities, and other similar uses.

Right-of-way landscaping. Landscaping located within the public or private rights-of-way adjacent to a privately owned lot, outlot, or tract, including parkways.

Riparian zone. An area where the presence of a surface and/or high subsurface water level permits the existence of increased vegetative diversity and abundance as contrasted to surrounding areas.

Roof sign. A sign that is mounted on the roof of a building or structure such as a portico which is wholly dependent upon a building for support and which projects above the parapet of a building with a flat roof, or above the peak of the roof on that portion of the roof on which the sign is placed.

Satellite and communication equipment. A reflective surface configured in the shape of a shallow dish, cone, horn, or cornucopia which shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses, including, but not limited to, satellite earth stations, television reception only satellite dish antennas, and satellite microwave antennas.

Screening. A method of reducing the impact of visual and/or noise intrusions through the use of plant materials, earthen berms, solid fences, and/or walls, or any combination thereof, intended to block that which is unsightly or offensive with a more harmonious element.

Searchlight, strobe light or beacon. A stationary or revolving light that flashes or projects illumination, single color or multicolored, in any manner that is intended to attract or divert attention; excluding any device required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Seasonal use. A use intended for a period of limited duration, including, but not limited to, the sale of seasonal goods and products such as pumpkins, Christmas trees, produce and living plants.

Setback. The minimum distance a building, structure or use may be erected from a street, alley, or property line. Setbacks are also called required yards.

Setback, front. The area extending across the full width of the lot, between the front lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure, or use. Where expressed as a range, the front setback shall be interpreted as a "build to range," within which distance the front building line of the principal building shall be established.

Setback, interior side. The area extending from the front yard to the rear yard, between the side lot line adjacent to another lot and the nearest line or point of the area allowed for construction or establishment of the building, structure, or use.

Setback, oil and gas. (See section 24-1102.)

Setback, rear. The area extending across the full width of the lot between the rear lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure, or use.

Setback, side. The area extending from the front yard to the rear yard, between the side lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, street side. The area extending from the front yard to the rear yard, which separates the lot from an adjacent street.

Shade tree. A large woody plant, usually deciduous, that normally grows with one main trunk and has a mature height at least 30 feet, a canopy height above 12 feet, and screens and filters the sun.

Shrub. A woody plant which consists of a number of small stems from the ground or small branches near the ground and which may be deciduous or evergreen.

Sidewalk. A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

Sign. Any device, surface, object, structure, building architecture or part thereof using graphics, symbols or written copy for the purpose of advertising, identifying or announcing or drawing attention to any establishment, product, goods, facilities, services or idea, whether of a commercial or noncommercial nature.

Sign allowance. The amount of signage that is allowable under the provisions of this chapter.

Sign alteration. Any change of copy (excluding changeable copy signs), sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

Sign area. The entire face of a sign and any backing, frame, trim or molding and which may include the supportive structure.

Sign backing. The surface, pattern or color of which any sign is displayed upon, against or through and that forms an integral part of such display and differentiates the total display from the background against which it is placed.

Sign, exposed incandescent or high intensity discharge lighting. Any sign or portion of a sign that utilizes an exposed incandescent or high intensity lamp, with the exception of neon, in such a fashion as to project light directly onto adjoining property or right-of-way.

Sign face. The area of a sign on which the copy is placed, or, for individual cutout letters, painted letters, channel letters or symbols, the perimeter of the individual elements shall be considered the area of the sign.

Sign frame. A sign cabinet or that portion of the sign that holds the sign face in place.

Sign height. The vertical distance measured from the grade, as defined herein, to the highest point of the sign or sign structure.

Sign, interior to a building. Signs inside buildings that are not legible from the public right-of-way or other publicly accessible exterior areas of the building.

Sign, interior to development. Any sign that is located so that it is not legible from any adjoining property or the public right-of-way and not oriented in such a way as to attract the attention of those traveling along the right-of-way.

Sign permit. A permit issued by a building official and which is required for any sign specified by this code.

Sign setback. The minimum distance required from the apparent centerline of the right-of-way, to any portion of a sign or sign structure.

Sign structure. The supports, uprights, bracing or framework of any structure for the purposes of displaying a sign.

Sign, wall. A sign attached parallel to and extending less than 20 inches from the wall of a building. The definition of the term "wall sign" includes painted, individual letter, cabinet signs and those signs located on the roof of a building which are not roof signs as defined herein.

Sign, window. Any type of sign that is painted or attached to or within 12 inches of any exterior window.

Site plan. A set of drawings that the property owner, builder, or contractor uses to make improvements to a property through graphic representation, whether computer-generated or hand-drawn, of the arrangement of buildings, parking, drives, landscaping, and any other structure that is part of a development project.

Sky dancers. Freestanding tubes which often simulate the shape of a person into which air is forced to inflate and animate and which do not characterize a commercial message or contain a message.

Slope. The ratio between elevation change to horizontal distance, expressed as a percentage.

Soil amendments. Elements added to the soil, such as compost, natural fertilizer, manure, or chemical fertilizer, to improve its capacity to support plant life.

Solid fence. A fence that is opaque and provided the fence is composed of solid wood, composite, vinyl, or masonry.

Species of special concern. Species of wildlife and plants which the state division of wildlife has identified and listed as state species of special concern.

Stacking space. An area for motor vehicles to line up in while waiting to go through a drive-thru facility, a designated passenger drop-off/pick-up area or a parking lot or area.

Stormwater management plan. A plan for the management of stormwater drainage and control prepared in conformance with the regulations for stormwater management, adopted by the state department of public health and environment; and further, including a plan for erosion and sediment control pursuant to the requirements of chapter 12 of title 3 of this Code, including its references.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling above it.

Street. A way for vehicular, pedestrian or bicycle traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

Street, arterial. Streets that permit relatively unimpeded traffic movement throughout the city and connecting to outside communities.

Street, arterial major. Arterial streets which generally carry traffic volumes greater than 20,000 vehicles per day when the property which the arterial street serves is fully developed and which permit rapid and relatively unimpeded traffic movement throughout the city, connecting major land use elements as well as connecting to outside communities.

Street, arterial minor. Arterial streets which generally carry traffic volumes greater than 10,000 vehicles per day when the property which the arterial street serves is fully developed and which permit relatively unimpeded traffic movement and are intended for use on routes where four moving lanes and one turn lane are required but where a major arterial cross section is not warranted.

Street, collector. Streets that collect and distribute traffic between arterial and local streets and serve as main connectors within the city, linking one neighborhood with another and which carry traffic with an origin or destination within the community.

Street, collector major. Collector streets which generally carry traffic volumes greater than 7,000 vehicles per day when the property which the collector serves is fully developed and which permit relatively unimpeded traffic movement and are intended for use on those routes where four moving lanes are required but where a larger classified street is not warranted.

Street, collector minor. Collector streets which generally carry traffic volumes up to 7,000 vehicles per day and collect and distribute traffic between arterial and local streets and which serve as main connectors within communities, linking one neighborhood with another.

Street, design type. A reference to the design attributes of a specific segment of the street, regardless of the functional class, and including lane widths, number of lanes, parking, streetscape, and sidewalks. Street design types allow the design of segments of streets to transition and relate better to the context and anticipated abutting land uses, without disrupting the overall role of the street in the functional classification system.

Street, functional classification. A system of categorizing streets based on their role in the overall street network, considering traffic volumes, traffic speeds, and continuity of the street.

Street, local. Streets that provide direct access to adjacent property and which carry traffic with an origin or destination within the immediate neighborhood.

Street, local low volume. Local streets which carry traffic volumes of up to 500 vehicles per day and which provide direct access to adjacent property.

Street, private. A private roadway used to provide vehicular and emergency access.

Street tree. A tree planted in close proximity to a street in order to provide shade over the street and to soften the street environment.

Streetscape. The scene that may be observed along a street, including both natural and non-natural components, including vegetation, buildings, paving, plantings, lighting fixtures and miscellaneous structures.

Structure. Anything constructed or erected on or in the ground, the use of which requires a more or less permanent location on or in the ground, and, including, but not limited to, walls, retaining walls, fences, parking lots, parking slabs and oil and gas production facilities.

Subdivision. The division of a lot, tract or parcel of land into two or more lots, tracts or parcels, or other division of land in compliance with the requirements of this title.

Symbol. A graphic device which stands for a concept or object.

Temporary sign. Any sign, not intended for permanent installation such as, but not limited to, a banner, balloon, pennant, searchlight or beacon. Generally, these signs are intended to be used for a limited period of time or for a purpose announcing a special event or presenting other miscellaneous or incidental information or instructions.

Temporary structure. A structure without any foundation or footings and which is intended to be removed at some point in the future.

Temporary use. A use which shall generally be permitted to exist and be operated for no longer than 90 days in 12 consecutive months and which may occur as an accessory or principal use.

Time or temperature sign. A sign or portion thereof on which the only copy that is capable of being changed is an electronic or mechanical indication of time and/or temperature.

Tract. A parcel or parcels of land designated on a plat and intended to be further subdivided before development at some point in the future, but which may be initially created under single ownership through a subdivision process.

Travel trailer or recreational vehicle. A portable structure, mounted on wheels and designed to be towed by a motor vehicle, or propelled by its own motive power, that may contain cooking or sleeping facilities and is intended to provide temporary living quarters for recreational camping or travel. A travel trailer also does not comply with either the National Manufactured Housing Construction and Safety Standards Act of 1974 or the uniform building code standards. Travel trailers are not permitted in residential zones as living quarters except as guest quarters for no longer than seven consecutive days.

Tree. A large woody plant with one or several self-supporting stems or trunks and numerous branches and may be deciduous or evergreen.

Turf-grass. A blend or mix of grasses most tolerant to the Colorado climate, whether in sod or seed form when planted, intended to be regularly maintained as a lawn in urbanized areas. Artificial turf shall not be considered lawn or turf-grass.

Universal design. The design of buildings, products, or environments, to make them accessible to all people, regardless of age, disability, or other factors. The term "universal design" was coined by the architect Ronald Mace to describe the concept of designing all products and the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of age, ability, or status in life.

Urban heat island. An urban area that is significantly warmer than its surrounding rural areas due to modifications of land surfaces such as development and other human activities. The temperature difference is usually more significant at night than during the day.

Use. The type of activity for which land or a building or structure is designated, arranged or intended and also means the activity which regularly takes place upon the land or in a building or structure on the land. Not all uses shall be considered legal or permitted uses.

Use, principal. The primary use of a building, structure or lot.

Utility box or pedestal. Devices designed and intended to house equipment necessary for the delivery of utility services to commercial and/or industrial customers, including, but not limited to, electric transformers, switch boxes, telephone pedestals and boxes, cable television boxes, traffic control boxes and similar devices.

Utility line clearance zones. The minimum clearance horizontal or vertical standard determined by the utility holder. Obstructions and encroachments are prohibited.

Utility stand. Part of a mobile home space which is used for the placement of the utility connections.

Vacant means a site or area that is not put to any use other than gardening.

Vacation. The legal abandonment of a right granted by a property owner, which was intended for a particular purpose, such as for streets or utility lines.

Variance. A modification of the strict terms of this development code as provided in this title.

Vehicle signs. Signs which are attached to or located on licensed vehicles, trailers or semi-trailers and contain or display signage for the primary purpose of advertisement, excluding bumper stickers on the bumper and similar-sized adhesive decals.

Vested property right. The right to undertake and complete a development and use of property under the terms and conditions of an approved site specific development plan.

Weed. Any plant not typically propagated by the horticultural trades and not typically installed for the purposes of landscaping; or which presents a particularly noxious allergenic or growth characteristic. Weed does not include native and naturalized plants, other than designated noxious weeds, grown in areas managed primarily for ecological services.

Wildlife. Wild, native vertebrates (including fish), mollusks and crustaceans and any species introduced or released by the division of wildlife, whether alive or dead, including any part, egg or offspring thereof.

Wind sign. (See *Pennants, ground kites and sky dancers.*)

Work vehicle. A vehicle outfitted with equipment such as, but not limited to, storage racks, hoists, cranes, vises, heavy equipment or other business and construction equipment, whether attached or removable, or which may have attached trailers carrying such work equipment. A horse trailer used primarily for transport of horses and/or livestock shall not be considered a work vehicle under this definition.

Xeric landscaping or xeriscape. A landscape design strategy coined by Denver Water in 1981 to help make water-efficient landscaping an easily recognized concept. Xeriscape is a combination of the word "landscape" and the Greek word "xeros," which means dry. For the purposes this code, the term "xeric landscaping" or "xeriscape" shall mean the use of low-water or very low-water plants in place of plants that typically require more water to survive. Xeric landscaping does not mean the same as hardscaping or the use of rocks or rock mulch.

Yard. The area of a lot between the property line and the foundation of a building, structure or use. The term "required yard" means that area also described as a required setback area where construction of buildings, structures and uses is limited in placement.

Yard, front. The portion of a lot between the front façade of a primary structure and the right-of-way. A yard may contain more land area than a setback area.

Yard, interior side. An open-space area between the interior side property line and the building setback line, extending between the front building setback line and the rear building setback line.

Yard, rear. The space or area of a lot between the rear property line and the principal building, extending the lot's full width, and measured perpendicular to the building at the closest point to the rear property line.

Yard, street-side. The area extending between the front yard and the rear yard or rear street yard and situated between the side street property line and the face of the principal building which is parallel to, or most nearly parallel to, the side street property line.

(Ord. No. 35, 2021, § 6(app. A, § 6), 9-21-2021; Ord. No. 17, 2023, app. B(ch. 13), 5-2-2023; Ord. No. 14, 2024, § 3(app. A), 6-4-2024)



Natural Medicine Businesses

Caleb Jackson

Special City Council Meeting - December 30, 2024

Agenda

- Timeline
- What Is Natural Medicine?
- What Are Natural Medicine Businesses?
- State Restrictions
- Other Localities
- Proposed Ordinance
- Purpose: Adopt the ordinance and publish with reference to title only

Timeline

Nov 2022	May 2023	Jun – Oct 2024	Dec 30, 2024	Dec 31, 2024
Proposition 122 Natural Medicine Health Act approved by voters	Senate Bill 23-290 Replaced Proposition 122 and charged Department of Regulatory Agencies to promulgate rules	State adopted rules for natural medicine businesses Senate Bill 24-198 Regulated Natural Medicine Implementation	Proposed ordinance adoption	State begins accepting applications for licensing natural medicine businesses

What is Natural Medicine?

- Psilocybin and psilocyn
- The state definition of "natural medicine" does NOT include marijuana – only psilocybin-based natural medicines
- If later approved by the State in the future, natural medicine could also include:
 - Dimethyltryptamine
 - Ibogaine
 - Mescaline (except peyote)
- A natural medicine product is a consumable item infused with natural medicine

What is Psilocybin?

Psilocybin is a naturally occurring psychedelic compound found in more than 200 species of mushrooms. Psilocybin is nonreactive, but the body metabolizes it into psilocyn, the effects of which include:

- Euphoria
- Hallucinations
- Changes in perception
- Distorted sense of time
- Perceived spiritual experiences

What Can Natural Medicine Businesses Do?

- Retail sales are prohibited independent of therapeutic service
- Healing centers may facilitate psilocybin therapy sessions with individuals or groups led by a licensed facilitator, often lasting around 6-8 hours
- Participants must have a transportation plan to avoid driving while impaired
- Other business types include cultivators, testers, and manufacturers

What Restrictions Has the State Adopted?

- Marijuana is not a natural medicine
- Cannot co-locate with a liquor or marijuana establishment
- 1000' setback from schools and childcare, measured by walking distance
- No retail operations for take-home natural medicine

What Regulations Can Greeley Adopt?

- Unlike marijuana, Greeley must allow natural medicine businesses per state law
- Cannot adopt regulations that are unreasonable or conflict with state law
- Cannot prohibit the transportation of product on City thoroughfares
- May adopt regulations regarding appropriate time, place, and manner including required setbacks from other uses

Other Localities

- Loveland and Fort Collins are in a 'wait and see' pattern
- Evans allows healing centers in I-3 zoning
- Weld County considering allowing natural medicine businesses in industrial zones
- Windsor adopted a temporary moratorium
- Parker and Colorado Springs adopted ordinances regulating time, place, and manner

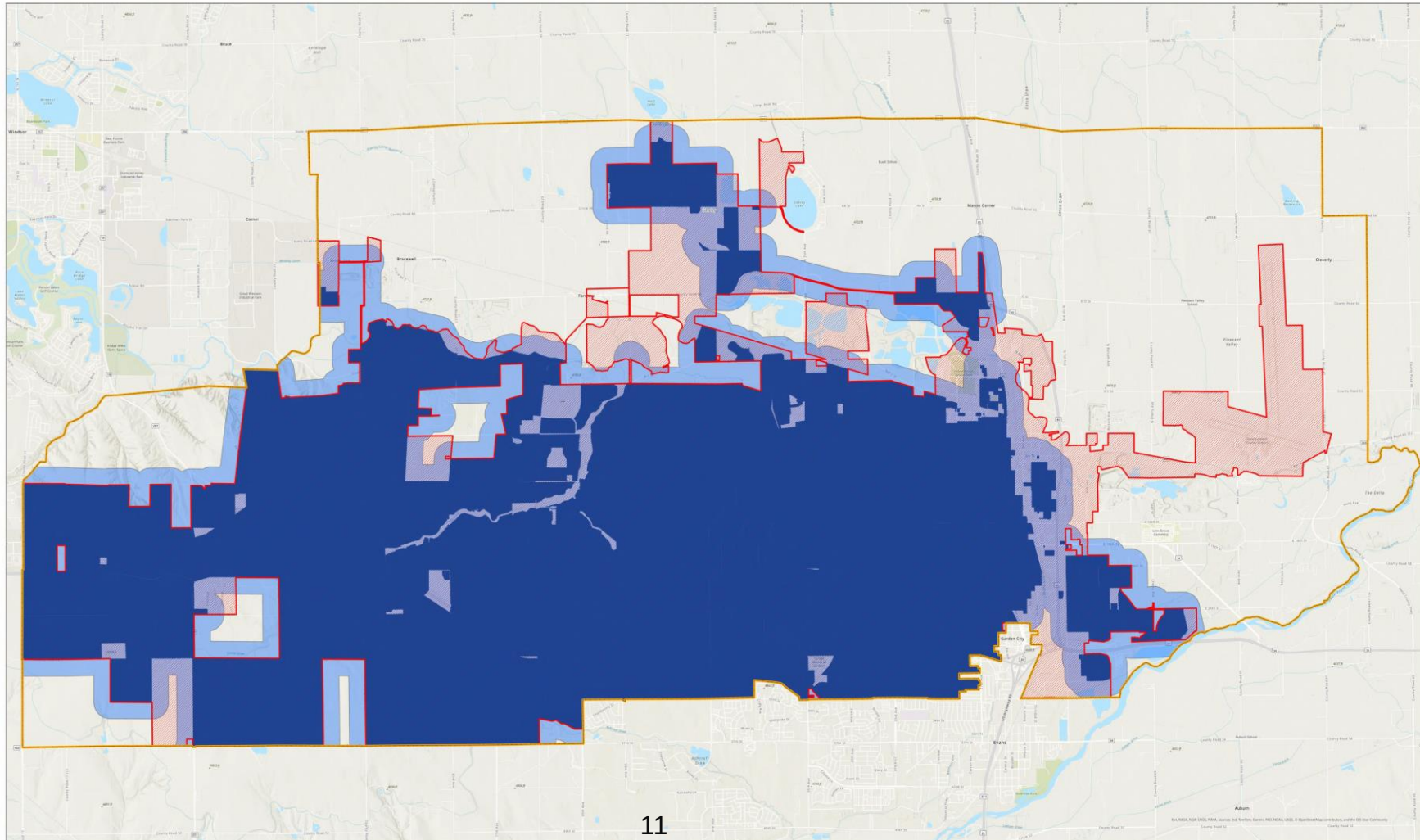
Proposed Ordinance

- Permit natural medicine businesses in I-M (Industrial Medium Intensity) and I-H (Industrial High Intensity)
- Stricter setback requirements than State minimums to protect sensitive uses
- Spacing requirements to avoid an over-concentration of natural medicine
- Security measures including secured entrances
- Hours of operations limitations

Draft* Setbacks/Buffering

- Allowed Areas*
- Prohibited Areas
- Buffer from Greeley Residential Zones

*Does not reflect setbacks from individual sensitive uses



Purpose

Staff request:

Adopt the ordinance and publish with
reference to title only

Thank you





Council Agenda Summary

Title:

Motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances



Council Agenda Summary

Item: .

Title

Adjournment